

2022

DIGEST OF BILLS

Enacted by The Seventy-Third
General Assembly
Second Regular Session



Colorado Hairstreak Butterfly

The Colorado hairstreak butterfly (*Hypaurotis crysalus*) was designated the official state insect of Colorado in 1996 due to the steady lobbying of 4th graders from Wheeling Elementary in Aurora, Colorado.

Native to the American southwest on both sides of the Continental Divide where elevations are between 6,500 and 7,500 feet, the Colorado hairstreak is easy to identify by the slender "tail" protruding from the hind wings and by their beautiful, distinctive coloration. Their primary diet consists of tree sap, raindrops, and aphid honeydew.

The Colorado Hairstreak butterfly species depends on the gambel oak (*Quercus gambelii*) as a favorite roost of adults and the usual food source for caterpillars. Eggs are laid singly in late summer on twigs of gambel oaks or another oak species.

June 2022

Prepared by
the Office of Legislative Legal Services

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PREFACE

Publication of the Colorado Revised Statutes occurs several months following the end of each regular legislative session. Prior to such publication, the Office of Legislative Legal Services prepares the Digest of Bills and Concurrent Resolutions as required under section 2-3-504, C.R.S. The Digest consists of summaries of all bills and concurrent resolutions enacted by the Seventy-third General Assembly at its Second Regular Session ending May 11, 2022. The summaries include the dates upon which the Governor acted and the effective dates of the bills. The Digest also includes an alphabetical subject index and several reference tables. The Digest is not a substitute for the text of the bills or for provisions of the Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

HOW TO USE THE DIGEST

1. The summaries of bills and proposed state constitutional amendments begin on page 1. To determine the page on which the summary of a particular bill may be found, refer to the Table of Enacted Bills, beginning on page xv.
2. To identify bills by subject area, refer to the bill summaries section for that subject area or the subject index, beginning on page 1.
3. To determine the approval date and the effective date of a particular bill, refer to the information immediately following the bill summary. To determine the effective date, you may also refer to the Tables of Enacted Bills, beginning on page xv.
4. To convert a particular bill number to a chapter number in the Session Laws, refer to the Tables of Enacted Bills, beginning on page xv.
5. To identify bills that were vetoed by the Governor or that became law without the Governor's signature, refer to page vii.
6. To identify bills that were enacted without a safety clause, refer to page viii.
7. To identify bills that were originally recommended by statutory and interim committees, refer to pages x and xi.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2022 session compared to the two prior sessions, see the Legislative

Statistical Summary, page vii.

9. To identify bills that have effective dates of July 1 and later, see the listings beginning on page xii.

10. The general assembly adjourned sine die on the 120th legislative day, May 11, 2022. Accordingly, the 90-day period following adjournment in which referendum petitions may be filed in accordance with section 1 of article V of the state constitution for bills that do not contain a safety clause expires on Tuesday, August 9, 2022. The effective date for such bills is therefore 12:01 a.m., on Wednesday, August 10, 2022, the day following the expiration of the 90-day period. However, in accordance with section 1-1-106 (5), Colorado Revised Statutes, the Secretary of State has indicated that any referendum petitions must be filed on or before Tuesday, August 9, 2022.

Individual copies of enacted bills and concurrent resolutions may be obtained from the House Services Office (for House material) and the Senate Services Office (for Senate material) in the State Capitol Building and will also be published in the Session Laws of Colorado 2022.

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LEGISLATIVE STATISTICAL SUMMARY

	2022		2021		2020	
	Intro	Passed	Intro	Passed	Intro	Passed
House Bills	418	329	330	263	427	225
Senate Bills	239	184	293	245	224	104
Concurrent Resolutions	8	3	3	0	5	2
Bills signed by Governor	507		502		326	
Bills becoming law without Governor's signature	0		2		0	
Bills partially vetoed by the Governor	0		0		0	
Bills vetoed by the Governor	4		4		3	
Bills referred to the People/Ballot questions	2*		0		1	

** Referred to the ballot and did not require action by the Governor.*

BILLS VETOED BY THE GOVERNOR:

H.B. 22-1218 H.B. 22-1221 H.B. 22-1387 H.B. 22-1399

BILLS BECOMING LAW WITHOUT GOVERNOR'S SIGNATURE:

none

BILLS WITH PORTIONS VETOED BY THE GOVERNOR:

none

Bills enacted *without a Safety Clause**:

House Bills -				
H.B. 22-1005	H.B. 22-1083	H.B. 22-1154	H.B. 22-1253	H.B. 22-1331
H.B. 22-1006	H.B. 22-1088	H.B. 22-1156	H.B. 22-1254	H.B. 22-1333
H.B. 22-1010	H.B. 22-1089	H.B. 22-1159	H.B. 22-1256	H.B. 22-1334
H.B. 22-1012	H.B. 22-1090	H.B. 22-1162	H.B. 22-1260	H.B. 22-1344
H.B. 22-1013	H.B. 22-1091	H.B. 22-1168	H.B. 22-1261	H.B. 22-1346
H.B. 22-1014	H.B. 22-1092	H.B. 22-1189	H.B. 22-1263	H.B. 22-1347
H.B. 22-1016	H.B. 22-1093	H.B. 22-1205	H.B. 22-1264	H.B. 22-1349
H.B. 22-1017	H.B. 22-1097	H.B. 22-1208	H.B. 22-1267	H.B. 22-1355
H.B. 22-1022	H.B. 22-1098	H.B. 22-1210	H.B. 22-1274	H.B. 22-1358
H.B. 22-1024	H.B. 22-1099	H.B. 22-1211	H.B. 22-1275	H.B. 22-1360
H.B. 22-1025	H.B. 22-1102	H.B. 22-1213	H.B. 22-1276	H.B. 22-1365
H.B. 22-1026	H.B. 22-1103	H.B. 22-1218v	H.B. 22-1284	H.B. 22-1367
H.B. 22-1031	H.B. 22-1107	H.B. 22-1222	H.B. 22-1285	H.B. 22-1370
H.B. 22-1032	H.B. 22-1108	H.B. 22-1223	H.B. 22-1287	H.B. 22-1371
H.B. 22-1034	H.B. 22-1111	H.B. 22-1225	H.B. 22-1294	H.B. 22-1381
H.B. 22-1037	H.B. 22-1112	H.B. 22-1226	H.B. 22-1296	H.B. 22-1383
H.B. 22-1038	H.B. 22-1113	H.B. 22-1227	H.B. 22-1297	H.B. 22-1387v
H.B. 22-1039	H.B. 22-1114	H.B. 22-1228	H.B. 22-1300	H.B. 22-1388
H.B. 22-1040	H.B. 22-1115	H.B. 22-1231	H.B. 22-1301	H.B. 22-1389
H.B. 22-1043	H.B. 22-1117	H.B. 22-1232	H.B. 22-1307	H.B. 22-1391
H.B. 22-1044	H.B. 22-1119	H.B. 22-1233	H.B. 22-1308	H.B. 22-1393
H.B. 22-1053	H.B. 22-1122	H.B. 22-1235	H.B. 22-1310	H.B. 22-1398
H.B. 22-1055	H.B. 22-1132	H.B. 22-1240	H.B. 22-1311	H.B. 22-1399v
H.B. 22-1061	H.B. 22-1135	H.B. 22-1241	H.B. 22-1312	H.B. 22-1402
H.B. 22-1070	H.B. 22-1137	H.B. 22-1242	H.B. 22-1314	H.B. 22-1407
H.B. 22-1071	H.B. 22-1139	H.B. 22-1245	H.B. 22-1317	H.B. 22-1410
H.B. 22-1072	H.B. 22-1149	H.B. 22-1246	H.B. 22-1320	H.B. 22-1412
H.B. 22-1073	H.B. 22-1150	H.B. 22-1249	H.B. 22-1323	H.B. 22-1416
H.B. 22-1076	H.B. 22-1151	H.B. 22-1250	H.B. 22-1325	H.B. 22-1418
H.B. 22-1082	H.B. 22-1153	H.B. 22-1251		

* These bills become effective on August 10, 2022, or on the date otherwise specified in the bill. For further explanation concerning the effective date, see page vi of this digest. To see specific effective dates for bills, see pages xi to xiv of this digest.

v - vetoed

Bills enacted *without a Safety Clause: (cont.)**

Senate Bills -	S.B. 22-051	S.B. 22-102	S.B. 22-156	S.B. 22-194
S.B. 22-003	S.B. 22-054	S.B. 22-104	S.B. 22-157	S.B. 22-195
S.B. 22-004	S.B. 22-055	S.B. 22-105	S.B. 22-161	S.B. 22-197
S.B. 22-006	S.B. 22-056	S.B. 22-108	S.B. 22-162	S.B. 22-203
S.B. 22-010	S.B. 22-058	S.B. 22-110	S.B. 22-166	S.B. 22-210
S.B. 22-012	S.B. 22-059	S.B. 22-113	S.B. 22-167	S.B. 22-212
S.B. 22-015	S.B. 22-062	S.B. 22-114	S.B. 22-169	S.B. 22-217
S.B. 22-019	S.B. 22-065	S.B. 22-116	S.B. 22-173	S.B. 22-218
S.B. 22-025	S.B. 22-075	S.B. 22-118	S.B. 22-174	S.B. 22-219
S.B. 22-030	S.B. 22-077	S.B. 22-120	S.B. 22-179	S.B. 22-223
S.B. 22-034	S.B. 22-079	S.B. 22-141	S.B. 22-184	S.B. 22-224
S.B. 22-035	S.B. 22-081	S.B. 22-142	S.B. 22-186	S.B. 22-228
S.B. 22-040	S.B. 22-083	S.B. 22-143	S.B. 22-187	S.B. 22-229
S.B. 22-042	S.B. 22-091	S.B. 22-151	S.B. 22-188	S.B. 22-236
S.B. 22-043	S.B. 22-092	S.B. 22-155	S.B. 22-190	S.B. 22-239
S.B. 22-045	S.B. 22-099			

* These bills become effective on August 10, 2022, or on the date otherwise specified in the bill. For further explanation concerning the effective date, see page vi of this digest. To see specific effective dates for bills, see pages xi to xiv of this digest.

v - vetoed

Enacted bills recommended by Statutory and Interim Committees:

Capital Development Committee:				
S.B. 22-194				
Colorado Commission on Uniform State Laws:				
S.B. 22-092				
Colorado Youth Advisory Council Review Committee:				
H.B. 22-1052		S.B. 22-008	S.B. 22-014	
Committee on Legal Services:				
H.B. 22-1165	S.B. 22-022	S.B. 22-062	S.B. 22-091	S.B. 22-212
Early Childhood and School Readiness Legislative Commission:				
H.B. 22-1010				
Executive Committee of the Legislative Council:				
H.B. 22-1286				
Joint Budget Committee (other than supplementals):				
H.B. 22-1186	H.B. 22-1193	H.B. 22-1333	H.B. 22-1340	S.B. 22-214
H.B. 22-1187	H.B. 22-1194	H.B. 22-1334	H.B. 22-1341	S.B. 22-215
H.B. 22-1188	H.B. 22-1195	H.B. 22-1335	H.B. 22-1342	S.B. 22-216
H.B. 22-1189	H.B. 22-1247	H.B. 22-1336	H.B. 22-1343	S.B. 22-217
H.B. 22-1190	H.B. 22-1330	H.B. 22-1337	H.B. 22-1391	S.B. 22-235
H.B. 22-1191	H.B. 22-1331	H.B. 22-1338	H.B. 22-1418	S.B. 22-236
H.B. 22-1192	H.B. 22-1332	H.B. 22-1339		
Joint Technology Committee:				
H.B. 22-1306	H.B. 22-1353	H.B. 22-1360		S.B. 22-191
Legislative Audit Committee:				
H.B. 22-1022			S.B. 22-027	
Legislative Interim Committee on School Finance:				
S.B. 22-127				
Legislative Oversight Committee Concerning Tax Policy:				
H.B. 22-1017	H.B. 22-1024	H.B. 22-1025	H.B. 22-1026	v - vetoed

Enacted bills recommended by Statutory and Interim Committees: (cont.)

Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems:				
H.B. 22-1061			S.B. 22-010	S.B. 22-021
Pension Review Commission:				
H.B. 22-1029	H.B. 22-1034		S.B. 22-036	
Sales and Use Tax Simplification Task Force:				
H.B. 22-1027			S.B. 22-032	
Statutory Revision Committee:				
H.B. 22-1250 H.B. 22-1264	H.B. 22-1307 H.B. 22-1311	H.B. 22-1312	S.B. 22-141 S.B. 22-142 S.B. 22-143	S.B. 22-162 S.B. 22-164
Transportation Legislation Review Committee:				
H.B. 22-1028			S.B. 22-017	
Water Resources Review Committee:				
S.B. 22-028	S.B. 22-030			
Wildfire Matters Review Committee:				
H.B. 22-1007	H.B. 22-1011	H.B. 22-1012	S.B. 22-002	S.B. 22-007
Sunset Review Process:				
H.B. 22-1209 H.B. 22-1210 H.B. 22-1211 H.B. 22-1212	H.B. 22-1213 H.B. 22-1225 H.B. 22-1226 H.B. 22-1227	H.B. 22-1228 H.B. 22-1232 H.B. 22-1233 H.B. 22-1235	H.B. 22-1261 H.B. 22-1262 H.B. 22-1263 H.B. 22-1265	H.B. 22-1274 H.B. 22-1275 H.B. 22-1276 H.B. 22-1412
v - vetoed				

Acts with July 1, 2022, and later effective dates:

July 1, 2022				
H.B. 22-1060	H.B. 22-1278*	H.B. 22-1339	S.B. 22-024	S.B. 22-181
H.B. 22-1169	H.B. 22-1291*	H.B. 22-1361	S.B. 22-140	S.B. 22-198
H.B. 22-1224	H.B. 22-1295*	H.B. 22-1386	S.B. 22-177	S.B. 22-213
H.B. 22-1230	H.B. 22-1326*	H.B. 22-1411*	S.B. 22-178	S.B. 22-230*
July 15, 2022				
S.B. 22-018*				
August 1, 2022				
H.B. 22-1074				
August 10, 2022				
House Bills -	H.B. 22-1083	H.B. 22-1153	H.B. 22-1250	H.B. 22-1331
H.B. 22-1005	H.B. 22-1088	H.B. 22-1154	H.B. 22-1251	H.B. 22-1333
H.B. 22-1006	H.B. 22-1089	H.B. 22-1156	H.B. 22-1253	H.B. 22-1334
H.B. 22-1010	H.B. 22-1090	H.B. 22-1159	H.B. 22-1256*	H.B. 22-1344
H.B. 22-1012	H.B. 22-1091	H.B. 22-1162	H.B. 22-1260	H.B. 22-1347
H.B. 22-1013	H.B. 22-1092	H.B. 22-1168	H.B. 22-1261	H.B. 22-1349
H.B. 22-1014	H.B. 22-1097	H.B. 22-1189	H.B. 22-1264	H.B. 22-1355
H.B. 22-1016	H.B. 22-1098	H.B. 22-1205	H.B. 22-1267	H.B. 22-1358
H.B. 22-1017	H.B. 22-1102	H.B. 22-1208	H.B. 22-1274	H.B. 22-1360
H.B. 22-1022	H.B. 22-1103	H.B. 22-1210	H.B. 22-1275	H.B. 22-1365
H.B. 22-1024	H.B. 22-1107	H.B. 22-1211*	H.B. 22-1276	H.B. 22-1367
H.B. 22-1025*	H.B. 22-1108	H.B. 22-1213	H.B. 22-1278*	H.B. 22-1370
H.B. 22-1032	H.B. 22-1111	H.B. 22-1218v	H.B. 22-1284	H.B. 22-1371
H.B. 22-1034*	H.B. 22-1112	H.B. 22-1223	H.B. 22-1285	H.B. 22-1381
H.B. 22-1037	H.B. 22-1113	H.B. 22-1225	H.B. 22-1294	H.B. 22-1383
H.B. 22-1039	H.B. 22-1114	H.B. 22-1227	H.B. 22-1296	H.B. 22-1388*
H.B. 22-1040	H.B. 22-1115	H.B. 22-1228	H.B. 22-1297	H.B. 22-1391
H.B. 22-1044	H.B. 22-1117	H.B. 22-1231	H.B. 22-1300	H.B. 22-1393
H.B. 22-1053	H.B. 22-1119	H.B. 22-1232	H.B. 22-1301	H.B. 22-1398
H.B. 22-1055	H.B. 22-1122	H.B. 22-1233	H.B. 22-1307	H.B. 22-1399v
H.B. 22-1061	H.B. 22-1132	H.B. 22-1235	H.B. 22-1308	H.B. 22-1402*
H.B. 22-1070	H.B. 22-1135	H.B. 22-1240	H.B. 22-1311	H.B. 22-1407
H.B. 22-1071	H.B. 22-1137	H.B. 22-1241	H.B. 22-1312	H.B. 22-1410
H.B. 22-1072	H.B. 22-1139	H.B. 22-1242	H.B. 22-1314	H.B. 22-1412*
H.B. 22-1073	H.B. 22-1149	H.B. 22-1245	H.B. 22-1317	H.B. 22-1416
H.B. 22-1076	H.B. 22-1150	H.B. 22-1246	H.B. 22-1323	H.B. 22-1418
H.B. 22-1082	H.B. 22-1151	H.B. 22-1249	H.B. 22-1325	
			v - vetoed	*- portions

Acts with July 1, 2022, and later effective dates: (cont.)

August 10, 2022 (cont.)				
Senate Bills -				
S.B. 22-003	S.B. 22-054	S.B. 22-099	S.B. 22-151	S.B. 22-190
S.B. 22-004	S.B. 22-055	S.B. 22-102	S.B. 22-155	S.B. 22-194
S.B. 22-006	S.B. 22-056	S.B. 22-104	S.B. 22-157	S.B. 22-195
S.B. 22-010	S.B. 22-058	S.B. 22-105	S.B. 22-161*	S.B. 22-197
S.B. 22-012	S.B. 22-059	S.B. 22-108	S.B. 22-162	S.B. 22-203
S.B. 22-015	S.B. 22-062	S.B. 22-110	S.B. 22-166	S.B. 22-210
S.B. 22-019	S.B. 22-065	S.B. 22-113	S.B. 22-167	S.B. 22-212
S.B. 22-025	S.B. 22-075	S.B. 22-114	S.B. 22-169	S.B. 22-217
S.B. 22-030	S.B. 22-077	S.B. 22-116	S.B. 22-173	S.B. 22-218
S.B. 22-035	S.B. 22-079	S.B. 22-118	S.B. 22-179	S.B. 22-223
S.B. 22-040	S.B. 22-081	S.B. 22-120	S.B. 22-184	S.B. 22-224
S.B. 22-042	S.B. 22-083	S.B. 22-141	S.B. 22-186	S.B. 22-228
S.B. 22-043	S.B. 22-091	S.B. 22-142	S.B. 22-187	S.B. 22-229
S.B. 22-045	S.B. 22-092	S.B. 22-143	S.B. 22-188	S.B. 22-239
S.B. 22-051				
September 1, 2022				
H.B. 22-1226	H.B. 22-1229*	H.B. 22-1263	S.B. 22-237*	
October 1, 2022				
H.B. 22-1287				
October 15, 2022				
S.B. 22-018*				
October 16, 2022				
H.B. 22-1291*		S.B. 22-174		
December 1, 2022				
S.B. 22-236*				
December 31, 2022				
H.B. 22-1211*		v - vetoed	* - portions	

Acts with July 1, 2022, and later effective dates: (cont.)

January 1, 2023			
H.B. 22-1025*	H.B. 22-1067*	H.B. 22-1320	S.B. 22-156
H.B. 22-1026	H.B. 22-1099	H.B. 22-1326*	S.B. 22-161*
H.B. 22-1031	H.B. 22-1222	H.B. 22-1346	S.B. 22-168*
H.B. 22-1034*	H.B. 22-1254	H.B. 22-1388*	S.B. 22-204*
H.B. 22-1043	H.B. 22-1310	H.B. 22-1389	S.B. 22-219
January 9, 2023			
H.B. 22-1038	H.B. 22-1295*		
February 1, 2023			
S.B. 22-034			
April 1, 2023			
H.B. 22-1093			
July 1, 2023			
H.B. 22-1256*	H.B. 22-1278*	H.B. 22-1412*	S.B. 22-230*
H.B. 22-1257*	H.B. 22-1353*		S.B. 22-236*
January 1, 2024			
H.B. 22-1402*			
July 1, 2024			
H.B. 22-1256*	H.B. 22-1387v	S.B. 22-225*	
H.B. 22-1278*			
May 1, 2025			
S.B. 22-236*			
Contingent on later actions:			
H.B. 22-1414	Effective upon governor proclamation of voter approval of the 2022 ballot proposal.		
S.B. 22-222	Effective upon governor proclamation of voter approval of the 2022 ballot proposal.		
v - vetoed		* - portions	

TABLE OF ENACTED HOUSE BILLS

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1001	Cutter & Sullivan, Pettersen & Kolker	Reduce Fees For Bus Filings	Approved 5/16/2022	5/16/2022	163	131
1003	Daugherty & Gonzales-Gutierrez, Coleman & Hinrichsen	Youth Delinquency Prevention & Intervention Grants	Approved 5/19/2022	5/19/2022	187	131
1004	Ortiz & Young, Fields & Kolker	Driver License Fee Reduction	Approved 5/16/2022	5/16/2022	165	242
1005	McCluskie & Will, Rankin	Health-care Preceptors Tax Credit	Approved 6/1/2022	No Safety Clause	299	304
1006	Roberts & Van Winkle, Donovan & Smallwood	Child Care Center Property Tax Exemption	Approved 6/1/2022	No Safety Clause	289	304
1007	Valdez D. & Lynch, Simpson & Lee	Assistance Landowner Wildfire Mitigation	Approved 6/3/2022	6/3/2022	343	131
1008	Tipper & Soper, Fenberg & Winter	Implementation Of Fertility Coverage	Approved 4/13/2022	4/13/2022	101	215
1010	Sirota & Van Beber, Buckner & Kirkmeyer	Early Childhood Educator Income Tax Credit	Approved 6/3/2022	No Safety Clause	347	305
1011	Cutter & Snyder, Story & Lee	Wildfire Mitigation Incentives For Local Gov	Approved 6/3/2022	6/3/2022	340	98
1012	Cutter & Valdez D., Ginal & Lee	Wildfire Mitigation And Recovery	Approved 6/3/2022	No Safety Clause	341	75
1013	Pelton & Snyder, Hisey & Winter	Microgrids For Community Resilience Grant Program	Approved 6/2/2022	No Safety Clause	304	284
1014	Jodeh, Pettersen	Epilepsy Awareness Special License Plate	Approved 5/26/2022	No Safety Clause	256	243
1016	Carver & McLachlan, Hisey & Fields	Voluntary Contribution Check-off Feeding Colorado	Approved 4/21/2022	No Safety Clause	120	305
1017	Bird & Woog, Kolker & Liston	Increase Alcohol Beverage Excise Tax Exemption	Approved 3/24/2022	No Safety Clause	47	292

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1018	Kennedy, Winter & Hinrichsen	Electric & Gas Utility Customer Protections	Approved 4/21/2022	4/21/2022	109	285
1022	Roberts & Esgar, Woodward & Hinrichsen	Modify Administration Of Colorado State Fair	Approved 4/12/2022	No Safety Clause	91	3
1024	Bird & Woog, Hansen & Kolker	Sales & Use Tax Exemption Mun Pub Sch Constr	Approved 4/18/2022	No Safety Clause	106	306
1025	Benavidez, Kolker	Repeal Of Infrequently Used Tax Expenditures	Approved 5/2/2022	No Safety Clause Portions on 8/10/2022 and 1/1/2023	145	306
1026	Bird & Woog, Hansen & Liston	Alternative Transportation Options Tax Credit	Approved 6/7/2022	No Safety Clause 1/1/2023	393	307
1027	Van Winkle & Kipp, Bridges & Woodward	Sales Tax Destination Sourcing Rules Exception	Approved 1/31/2022	1/31/2022	1	307
1028	Gray & Hooton, Winter & Priola	Statewide Regulation Of Controlled Intersections	Approved 4/13/2022	4/13/2022	96	243
1029	Bird & Sandridge, Kolker & Priola	Compensatory Direct Distribution To PERA	Approved 6/7/2022	6/7/2022	390	132
1031	Titone & Ortiz, Zenzinger & Cooke	Consumer Right To Repair Powered Wheelchairs	Approved 6/2/2022	No Safety Clause 1/1/2023	327	20
1032	Bockenfeld & Daugherty, Kirkmeyer & Bridges	Jury Postponement For Out-of-state Students	Approved 4/7/2022	No Safety Clause	77	31
1034	Bird & Sandridge, Bridges & Priola	FPPA Statewide Retirement Plan	Approved 3/30/2022	No Safety Clause Portions on 8/10/2022 and 1/1/2023	61	102
1035	Young & Bradfield, Ginal & Rankin	Modernization Of The Older Coloradans' Act	Approved 3/24/2022	3/24/2022	38	208

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1037	Hooton & Van Winkle, Holbert & Jaquez Lewis	Retail & Medical Marijuana Same Location	Approved 4/7/2022	No Safety Clause	78	292
1038	Daugherty & Van Beber, Moreno & Gardner	Right To Counsel For Youth	Approved 4/12/2022	1/09/2023	92	12
1039	Kipp & Van Winkle, Bridges & Woodward	Sales & Use Tax Exemption Form Simplification	Approved 3/31/2022	No Safety Clause	54	307
1040	Rich & Hooton, Story & Holbert	Home Owners' Reasonable Access To Common Areas	Approved 4/12/2022	No Safety Clause	93	277
1041	Boesenecker & Larson, Ginal	Privacy Protections For Protected Persons	Approved 3/24/2022	3/24/2022	39	36
1042	Exum & Van Winkle, Buckner & Hisey	Teen Parent Driving Instruction Course	Approved 5/31/2022	5/31/2022	283	244
1043	Pico, Hisey & Ginal	Motorcycle & Autocycle Definitions	Approved 6/3/2022	No Safety Clause 1/1/2023	361	245
1044	Williams & Kennedy, Bridges	Vacancy Committee Selection	Approved 4/12/2022	4/12/2022	83	85
1046	McLachlan & Catlin, Winter & Woodward	Local Designation Of Over-snow Use Only Highways	Approved 4/12/2022	4/12/2022	94	319
1049	Bacon & Ricks, Pettersen & Bridges	Prohibiting Transcript & Diploma Withholding	Approved 4/21/2022	4/21/2022	118	75
1050	Ricks, Buckner	Intl Med Graduate Integrate Hlth-care Workforce	Approved 6/7/2022	6/7/2022	379	264
1051	Bird & McKean, Zenzinger & Hisey	Mod Affordable Housing Tax Credit	Approved 5/26/2022	5/26/2022	231	308
1052	McLachlan & McKean, Priola & Moreno	Promoting Crisis Services To Students	Approved 6/8/2022	6/8/2022	453	197
1053	Valdez D. & Van Beber, Hansen	Blockchain Agriculture & Uniform Commercial Code	Approved 6/7/2022	No Safety Clause	385	4
1055	Lontine & Herod, Jaquez Lewis & Winter	Sales Tax Exemption Essential Hygiene Products	Approved 6/3/2022	No Safety Clause	359	308
1056	Michaelson Jenet & Gonzales-Gutierrez, Moreno	Emergency Temporary Care For Children	Approved 6/7/2022	6/7/2022	383	12

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1057	Bradfield & McLachlan, Woodward & Zenzinger	PERA Employment After Teacher Retirement	Approved 3/17/2022	3/17/2022	24	132
1060	Sirota, Gonzales	Contribution Limits School Dist Dir Candidate	Approved 4/13/2022	7/01/2022	99	85
1061	Amabile & Benavidez, Gonzales	Modifications To Not Guilty By Reason Of Insanity	Approved 6/8/2022	No Safety Clause	438	36
1063	Amabile & Benavidez, Coleman & Cooke	Jail Standards Commission	Approved 6/7/2022	6/7/2022	395	90
1067	Woodrow & Gonzales-Gutierrez, Lee & Rodriguez	Clarifying Changes To Ensure Prompt Bond Hearings	Approved 5/27/2022	Portions on 5/27/2022 and 1/1/2023	264	31
1068	McCormick & Lynch, Jaquez Lewis	Medicaid Reimbursement For Therapy Using Equines	Approved 6/2/2022	6/2/2022	311	186
1070	McCluskie, Rankin	Special Districts Early Childhood Development	Approved 3/17/2022	No Safety Clause	30	103
1071	Woodrow, Rodriguez	Damages In Class Actions Consumer Protection Act	Approved 3/21/2022	No Safety Clause	36	20
1072	Will & Roberts, Donovan & Simpson	Habitat Partnership Program	Approved 4/21/2022	No Safety Clause	116	254
1073	Roberts & Soper, Coram & Donovan	Funeral Establishment & Crematory Inspection	Approved 3/21/2022	No Safety Clause	37	265
1074	Amabile, Hisey	Traffic Violations On Interstate 70 Shoulder Lanes	Approved 3/15/2022	8/1/2022	20	319
1076	Lontine & Will, Buckner	Telehealth For Hearing Aid Providers	Approved 4/4/2022	No Safety Clause	64	265
1077	Michaelson Jenet & Jodeh, Priola & Hansen	Colorado Nonprofit Security Grant Program	Approved 6/7/2022	6/7/2022	389	133
1082	Hooton & Bacon, Gonzales	Establish Fair Housing Unit Dept Of Law	Approved 5/17/2022	No Safety Clause	166	133
1083	Tipper & Rich, Winter & Simpson	Colorado Homeless Contribution Income Tax Credit	Approved 5/31/2022	No Safety Clause	286	308
1086	Sullivan & Bacon, Fields & Jaquez Lewis	The Vote Without Fear Act	Approved 3/30/2022	3/30/2022	50	86

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1087	Hooton & Pico, Story & Liston	Special District Director Retirement Benefits	Approved 3/24/2022	3/24/2022	42	103
1088	Valdez D. & Will, Liston & Lee	Peace Officer Status For Certain DOR Employees	Approved 3/30/2022	No Safety Clause	55	37
1089	Woodrow, Winter	Rideshares & Uninsured Motorist Insurance Coverage	Approved 5/17/2022	No Safety Clause	169	215
1090	Ransom & Young, Buckner & Smallwood	Reasonable Independence For Children	Approved 3/30/2022	No Safety Clause	52	13
1091	Soper & Weissman, Gardner & Bridges	Online Availability Of Judicial Opinions	Approved 5/20/2022	No Safety Clause	195	31
1092	Soper & Roberts, Bridges & Coram	Loans From Irrigation Districts To Landowners	Approved 4/12/2022	No Safety Clause	84	324
1093	McCormick & Will, Smallwood & Zenzinger	Updates To Bingo & Raffles Law	Approved 6/3/2022	No Safety Clause 4/1/2023	366	292
1097	Valdez D., Simpson	Dissolution Of Special Districts	Approved 3/17/2022	No Safety Clause	31	99
1098	Bird & Bacon, Liston & Coleman	DORA Barriers To Practice Regulated Professions	Approved 5/25/2022	No Safety Clause	220	265
1099	Carver & Roberts, Woodward & Zenzinger	Online Marketplaces & Third-party Sellers	Approved 3/17/2022	No Safety 1/1/2023	21	20
1101	McLachlan & Catlin, Sonnenberg & Zenzinger	PERA Service Retiree Employment In Rural Schools	Approved 3/17/2022	3/17/2022	25	134
1102	Ortiz & Sullivan, Gardner	Veterans & Military Status In Fair Housing	Approved 4/4/2022	No Safety Clause	65	134
1103	Exum & Ricks, Coram & Fields	Delta Sigma Theta Special License Plate	Approved 5/27/2022	No Safety Clause	269	245
1104	Boesenecker, Priola & Bridges	Powerline Trails	Approved 4/13/2022	4/13/2022	97	285
1107	Young & Bradfield, Cooke & Bridges	Inclusive Higher Education Opportunities	Approved 5/26/2022	No Safety Clause	235	76
1108	Rich & Amabile, Scott	Include Vendor Name In Web-based Info System	Approved 4/18/2022	No Safety Clause	107	135

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1110	Boesenecker & Bradfield, Story	Board Of Education Executive Session	Approved 4/4/2022	4/4/2022	66	135
1111	Amabile, Rankin & Fenberg	Insurance Coverage For Loss Declared Fire Disaster	Approved 6/2/2022	No Safety Clause	305	216
1112	Daugherty, Gonzales	Workers' Compensation Injury Notices	Approved 3/24/2022	No Safety Clause	48	232
1113	Van Beber & Kipp, Kirkmeyer & Ginal	Appeal Procedures Dependency & Neglect Cases	Approved 3/30/2022	No Safety Clause	56	13
1114	Larson & Valdez A., Zenzinger & Kirkmeyer	Transp Services For Medicaid Waiver Recipients	Approved 6/7/2022	No Safety Clause	396	186
1115	Kipp & Soper, Pettersen & Jaquez Lewis	Prescription Drug Monitoring Program	Approved 6/7/2022	No Safety Clause	397	266
1117	Roberts & Catlin, Coram & Donovan	Use Of Local Lodging Tax Revenue	Approved 3/31/2022	No Safety Clause	62	309
1118	Daugherty, Kolker	Sales & Use Tax Refunds	Approved 4/21/2022	4/21/2022	110	309
1119	Gray & Weissman, Winter	Colorado False Claims Act	Approved 6/7/2022	No Safety Clause	394	135
1120	Van Winkle & Neville, Woodward & Bridges	School Security Disbursement Program Recreation	Approved 5/19/2022	5/19/2022	188	137
1122	Will & Lindsay, Jaquez Lewis	Pharmacy Benefit Manager Prohibited Practices	Approved 6/2/2022	No Safety Clause	312	216
1131	Gonzales-Gutierrez & Bacon, Gonzales	Reduce Justice-involvement For Young Children	Approved 6/7/2022	6/7/2022	380	13
1132	Holtorf & Exum, Liston	Regulation & Services For Wildfire Mitigation	Approved 6/3/2022	No Safety Clause	344	100
1133	Gray & Caraveo, Winter	Family & Medical Leave Insurance Fund	Approved 5/17/2022	5/17/2022	170	138
1135	Snyder & Van Winkle, Holbert & Rodriguez	Marijuana Transporter License Transfers	Approved 3/24/2022	No Safety Clause	40	293
1137	Ricks & Bradfield, Gonzales & Coleman	HOA Board Accountability & Transparency	Approved 6/3/2022	No Safety Clause	367	278

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1139	Geitner & Hooton, Bridges & Hisey	HOAs Cannot Regulate Use Of Public Rights-of-way	Approved 5/6/2022	No Safety Clause	156	279
1146	Larson & McCluskie, Lundeen & Kirkmeyer	Investment of Public School Fund Study & Report	Approved 5/26/2022	5/26/2022	252	59
1149	Lynch & Bird, Rankin & Hansen	Advanced Industry Investment Tax Credit	Approved 6/3/2022	No Safety Clause	358	310
1150	Bockenfeld & Exum, Cooke & Fields	Eliminate Signature Requirement Certain Citations	Approved 3/30/2022	No Safety Clause	23	246
1151	Catlin & Roberts, Bridges & Simpson	Turf Replacement Program	Approved 6/8/2022	No Safety Clause	435	325
1153	Tipper & Esgar, Bridges & Moreno	Affirm Parentage Adoption In Assisted Reproduction	Approved 5/23/2022	No Safety Clause	210	14
1154	McLachlan & Valdez D., Coram	Colorado Rotary License Plates	Approved 5/24/2022	No Safety Clause	215	246
1155	Will & McCluskie, Gonzales & Moreno	In-state Tuition For CO High School Graduates	Approved 5/26/2022	5/26/2022	234	76
1156	Kennedy & Williams, Bridges & Gardner	Public Official Reporting Reqmnts Mod	Approved 4/18/2022	No Safety Clause	108	86
1157	McCormick & Titone, Jaquez Lewis	Utilization Of Demographic Data By CDPHE	Approved 6/2/2022	6/2/2022	321	171
1159	Cutter, Priola & Winter	Waste Diversion & Circular Economy Dev Center	Approved 6/3/2022	No Safety Clause	336	172
1162	Exum & Van Winkle, Zenzinger & Hisey	Motor Vehicle Digital Number Plates	Approved 4/22/2022	No Safety Clause	121	246
1165	Snyder & Soper, Lee & Gardner	Rule Review Bill	Approved 4/25/2022	4/25/2022	124	1
1168	McKean & Mullica, Woodward & Ginal	Public School Hunter Education 7th Grade Course	Approved 4/21/2022	No Safety Clause	115	60
1169	Michaelson Jenet & Soper, Winter & Hisey	Prohibit Sexual Act Without Consent	Approved 3/24/2022	7/1/22	41	37
1170	McCluskie, Moreno	Dept of Corrections Supp	Approved 3/1/2022	3/1/2022	491	5

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1171	McCluskie, Moreno	Dept of Education Supp	Approved 3/1/2022	3/1/2022	492	5
1172	McCluskie, Moreno	Dept of Gov, Lt Gov, & OSPB Supp	Approved 3/3/2022	3/3/2022	493	5
1173	McCluskie, Moreno	Dept of Health Care Policy & Financing Supp	Approved 3/7/2022	3/7/2022	494	5
1174	McCluskie, Moreno	Department of Higher Education Supplemental	Approved 3/1/2022	3/1/2022	495	6
1175	McCluskie, Moreno	Dept of Human Services Supp	Approved 3/7/2022	3/7/2022	496	6
1176	McCluskie, Moreno	Judicial Department Supp	Approved 3/1/2022	3/1/2022	497	6
1177	McCluskie, Moreno	Dept of Natural Resources Supp	Approved 3/1/2022	3/1/2022	498	6
1178	McCluskie, Moreno	Dept Of Personnel Supp	Approved 3/1/2022	3/1/2022	499	6
1179	McCluskie, Moreno	Dept of Public Health & Environment Supp	Approved 3/7/2022	3/7/2022	500	6
1180	McCluskie, Moreno	Dept of Public Safety Supp	Approved 3/1/2022	3/1/2022	501	7
1181	McCluskie, Moreno	Dept of Revenue Supp	Approved 3/1/2022	3/1/2022	502	7
1182	McCluskie, Moreno	Dept of State Supp	Approved 3/7/2022	3/7/2022	503	8
1183	McCluskie, Moreno	Dept of Treasury Supp	Approved 3/1/2022	3/1/2022	504	8
1184	McCluskie, Moreno	Capital Construction Supp	Approved 3/7/2022	3/7/2022	505	8
1185	McCluskie, Moreno	Capital Construction Information Technology Supp	Approved 3/7/2022	3/7/2022	506	8
1186	Herod & McCluskie, Hansen & Moreno	Adjustments To School Funding Fiscal Year 2021-22	Approved 3/1/2022	3/1/2022	4	60

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1187	Herod, Hansen & Rankin	Office Of Econ Dev COVID Relief Prog Extension	Approved 3/7/2022	3/7/2022	13	100
1188	Herod & McCluskie, Moreno & Rankin	ARPA Money For Home- & Community-based Services	Approved 3/7/2022	3/7/2022	14	187
1189	Herod & McCluskie, Moreno & Rankin	Behavioral Hlth Crisis Response Training Deadlines	Approved 3/7/2022	No Safety Clause	15	187
1190	Herod & McCluskie, Hansen & Moreno	Suppl State Payment To Urban Indian Organizations	Approved 3/7/2022	3/7/2022	16	188
1191	Herod & McCluskie, Moreno & Jaquez Lewis	Extending Reprod Hlth-care Prog Implementation	Approved 3/7/2022	3/7/2022	9	188
1192	Herod & McCluskie, Moreno	Displaced Workers Grant Appropriation	Approved 3/7/2022	3/7/2022	10	77
1193	Herod & McCluskie, Hansen & Rankin	Fund Just Transition Coal Workforce Programs	Approved 3/7/2022	3/7/2022	11	233
1194	McCluskie & Ransom, Hansen & Rankin	Local Firefighter Safety Resources	Approved 3/1/2022	3/1/2022	3	139
1195	Herod & Ransom, Hansen	Transfers From General Fund To Cap Constr Fund	Approved 3/7/2022	3/7/2022	12	139
1196	Herod & Esgar, Moreno & Pettersen	Pay Equity Study	Approved 3/1/2022	3/1/2022	6	139
1197	McCluskie & Sirota, Moreno & Buckner	Effective Date Of Dept. Of Early Childhood	Approved 3/1/2022	3/1/2022	5	47
1202	Herod & McCluskie, Zenzinger & Coleman	At-risk Student Measure For School Finance	Approved 5/3/2022	5/3/2022	150	61
1205	Kennedy & Weissman, Hansen & Coleman	Senior Housing Income Tax Credit	Approved 6/8/2022	No Safety Clause	436	310
1208	Weissman & McKean, Lee	Jail Data Collection Clean-up	Approved 4/25/2022	No Safety Clause	125	27
1209	Bradfield & Young, Woodward	Sunset Strategic Action Planning Group On Aging	Approved 4/12/2022	4/12/2022	95	208
1210	Benavidez & Duran, Winter	Sunset Domestic Violence Management Board	Approved 6/2/2022	No Safety Clause	318	37

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1211	Soper & Gonzales-Gutierrez, Lee & Gardner	Sunset Juvenile Justice Reform Committee	Approved 4/7/2022	No Safety Clause Portions on 8/10/2022 and 12/31/2022	79	14
1212	Ortiz & Williams, Danielson	Sunset Process Conveyance Regulation	Approved 5/26/2022	5/26/2022	253	267
1213	Young & Pico, Buckner	Sunset Continue Regul Speech-language Pathologists	Approved 5/31/2022	No Safety Clause	284	267
1214	Young & Pelton, Kolker & Priola	Behavioral Health Crisis Response System	Approved 4/27/2022	4/27/2022	142	198
1215	McCluskie & Bacon, Bridges	Study Of Expanding Extended High School Programs	Approved 6/3/2022	6/3/2022	372	61
1217	Benavidez & Bockenfeld, Ginal	Catalytic Converter Records And Grant Program	Approved 6/7/2022	6/7/2022	417	38
1218	Valdez A., Winter & Priola	Resource Efficiency Buildings Electric Vehicles	Vetoed 6/7/2022			279
1220	Kipp & McLachlan, Zenzinger & Coram	Removing Barriers To Educator Preparation	Approved 5/26/2022	5/26/2022	239	77
1221	Michaelson Jenet, Fields	County Coroner & Mortuary Mental Health Program	Vetoed 5/27/2022			198
1222	Tipper, Holbert & Rodriguez	Marijuana Responsible Vendor Designations	Approved 4/21/2022	No Safety Clause 1/1/2023	111	293
1223	Kipp & Rich, Coram & Ginal	Mobile Home Prop Tax Sale Notice & Exemption	Approved 6/2/2022	No Safety Clause	308	311
1224	Tipper & Soper, Gonzales	Public Benefits Theft	Approved 4/21/2022	7/1/2022	112	39
1225	Hooton & Will, Fenberg & Jaquez Lewis	Sunset Continue Colorado Resiliency Office	Approved 6/2/2022	No Safety Clause	303	139

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1226	Tipper & Carver, Jaquez Lewis & Cooke	Sunset Massage Therapists	Approved 4/12/2022	No Safety Clause 9/1/2022	85	267
1227	Mullica, Smallwood	Sunset Health-care Work Force Data Advisory Group	Approved 4/12/2022	No Safety Clause	86	268
1228	Roberts & Bockenfeld, Coram	Sunset Continue Regulate Preneed Funeral Contracts	Approved 6/2/2022	No Safety Clause	309	217
1229	Weissman & Soper, Gardner & Gonzales	Senate Bill 21-271 Clean-up	Approved 4/7/2022	Portions on 3/1/2022 and 9/1/2022	68	39
1230	Duran & Exum, Fields & Priola	Employment Support And Job Retention Services	Approved 5/16/2022	7/1/2022	162	234
1231	Van Beber & Valdez D., Hisey & Fields	Foster Parent Bill Of Rights	Approved 5/3/2022	No Safety Clause	151	14
1232	Valdez A. & Titone, Gonzales	Sunset Continue Regulation Of Asbestos	Approved 6/3/2022	No Safety Clause	362	173
1233	Lontine & Soper, Simpson & Ginal	Sunset Continue Regulation Of Optometry	Approved 6/7/2022	No Safety Clause	398	268
1234	Bacon & Michaelson Jenet, Rodriguez	Preventing Identity-based Violence Grant Program	Approved 5/19/2022	5/19/2022	181	140
1235	McCormick & Catlin, Ginal	Sunset Continue Regulation Of Veterinary Practice	Approved 6/8/2022	No Safety Clause	442	269
1237	Roberts & Will, Rankin & Donovan	Changes To County Court Judges In Western Colorado	Approved 4/21/2022	4/21/2022	113	31
1240	Froelich & Young, Fields & Simpson	Mandatory Reporters	Approved 6/2/2022	No Safety Clause	313	15
1241	Bird, Lee	CASA Special License Plate	Approved 6/2/2022	No Safety Clause	319	247
1242	Kipp & Exum, Ginal & Hisey	Regulate Tiny Homes Manufacture Sale & Install	Approved 5/17/2022	No Safety Clause	172	140
1243	Exum & Van Winkle, Kolker & Hinrichsen	Sch Security and Sch Behavioral Hlth Servs Funding	Approved 5/19/2022	5/19/2022	189	142

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1244	Kennedy & Gonzales-Gutierrez, Gonzales	Public Protections From Toxic Air Contaminants	Approved 6/2/2022	6/2/2022	332	173
1245	Daugherty & Van Beber, Zenzinger	Foster Youth In Transition Program Clarifications	Approved 4/12/2022	No Safety Clause	88	209
1246	Lontine, Buckner	Hospice Inpatient Unit Specialized Rx Drug Outlet	Approved 6/8/2022	No Safety Clause	454	270
1247	Herod & McCluskie, Hansen & Rankin	Additional Requirements Nursing Facility Funding	Approved 4/25/2022	4/25/2022	139	188
1248	McLachlan & Ortiz, Simpson & Zenzinger	Extend School Leadership Pilot Program	Approved 5/24/2022	5/24/2022	213	62
1249	Bernett & Hooton, Rankin & Hansen	Electric Grid Resilience & Reliability Roadmap	Approved 6/2/2022	No Safety Clause	302	286
1250	Woodrow & Pico, Zenzinger & Woodward	Nonsubstantive Changes To Title 7 Of CRS	Approved 4/7/2022	No Safety Clause	80	25
1251	Roberts, Bridges	Cardiac Arrest Management	Approved 6/1/2022	No Safety Clause	292	175
1252	Bernett, Kirkmeyer & Jaquez Lewis	Public School Contract Terms & Conditions	Approved 4/12/2022	4/12/2022	87	62
1253	Ortiz, Danielson	Adaptive Equipment In Rental Motor Vehicles	Approved 6/2/2022	No Safety Clause	329	21
1254	Valdez A., Winter & Priola	Vehicle Taxes & Fees Late Registration	Approved 6/7/2022	No Safety Clause 1/1/2023	428	247
1255	Ortiz & Bradfield, Zenzinger & Kirkmeyer	Improve Higher Ed For Students With A Disability	Approved 4/21/2022	4/21/2022	117	78
1256	Amabile & McCluskie, Moreno & Gardner	Modifications To Civil Involuntary Commitment	Approved 6/8/2022	No Safety Clause Portions on 8/10/2022, 7/1/2023, and 7/1/2024	451	198

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1257	Weissman & Soper, Gonzales & Gardner	2022 Criminal & Juv Justice Commn Recommendations	Approved 4/7/2022	Portions on 4/7/2022 and 7/1/2023	69	39
1259	Duran & Jodeh, Moreno	Modifications To Colorado Works Program	Approved 6/3/2022	6/3/2022	348	209
1260	Froelich, Simpson & Fields	Access To Medically Necessary Serv For Students	Approved 6/2/2022	No Safety Clause	320	62
1261	Roberts & Ricks, Hansen & Priola	Sunset Board Of Real Estate Appraisers	Approved 6/2/2022	No Safety Clause	315	270
1262	Sullivan & Snyder, Rodriguez & Cooke	Sunset Continue Workers' Comp Regulations	Approved 4/12/2022	4/12/2022	89	234
1263	Kennedy, Buckner	Sunset Continue Licensure Of Acupuncturists	Approved 5/26/2022	No Safety Clause 9/1/2022	254	271
1264	Valdez D. & Woodrow, Moreno & Woodward	Change Food And Drug Administration To FDA	Approved 4/25/2022	No Safety Clause	126	218
1265	Exum, Bridges	Sunset Education Data Advisory Committee	Approved 6/8/2022	6/8/2022	455	63
1266	Tipper & Gray, Winter	State Employee Total Compensation Philosophy	Approved 3/30/2022	3/30/2022	49	142
1267	Valdez A. & Boesenecker, Ginal & Fields	Culturally Relevant Training Health Professionals	Approved 6/8/2022	No Safety Clause	443	272
1268	Holtorf & Amabile, Ginal & Simpson	Medicaid Mental Health Reimbursement Rates Report	Approved 6/3/2022	6/3/2022	363	189
1269	Lontine, Hansen	Health-care Sharing Plan Reporting Reqmnts	Approved 6/8/2022	6/8/2022	444	218
1270	Woodrow, Priola	Change Term Name-based Crim History Record Check	Approved 4/21/2022	4/21/2022	114	142
1272	Gonzales-Gutierrez & Benavidez, Gonzales & Rodriguez	Repeal Of Attorney Fees On Motions To Dismiss	Approved 6/8/2022	6/8/2022	445	32
1273	Duran & Sirota, Fenberg & Pettersen	Protections For Elections Officials	Approved 6/2/2022	6/2/2022	324	87

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1274	Michaelson Jenet & Larson, Gonzales	Sunset CO Interagency Working Group On Sch Safety	Approved 6/8/2022	No Safety Clause	456	63
1275	McLachlan & Larson, Fields	Sunset School Safety Resource Center Advisory Bd	Approved 4/12/2022	No Safety Clause	90	143
1276	Kipp & Exum, Moreno	Sunset Second Chance Scholarship Program	Approved 4/25/2022	No Safety Clause	127	63
1278	Young & Pelton, Lee & Simpson	Behavioral Health Administration	Approved 5/25/2022	Portions on 7/1/2022, 8/10/2022, 7/1/2023, and 7/1/2024	222	200
1279	Froelich & Esgar, Gonzales	Reproductive Health Equity Act	Approved 4/4/2022	4/04/2022	67	190
1280	Snyder & Exum, Lundeen & Lee	Pikes Peak Community College Name Change	Approved 4/22/2022	4/22/2022	122	79
1281	Gonzales-Gutierrez & Ricks, Winter & Rankin	Behavioral Health-care Continuum Gap Grant Program	Approved 5/18/2022	5/18/2022	182	201
1282	Mullica & Lynch, Bridges & Woodward	The Innovative Housing Incentive Program	Approved 5/20/2022	5/20/2022	197	143
1283	Michaelson Jenet & Bradfield, Buckner & Priola	Youth & Family Behavioral Health Care	Approved 5/18/2022	5/18/2022	185	202
1284	Esgar & Catlin, Gardner & Pettersen	Health Ins Surprise Billing Protections	Approved 6/8/2022	No Safety Clause	446	219
1285	Neville & Esgar, Moreno & Cooke	Prohibit Collection Hospital Not Disclosing Prices	Approved 6/8/2022	No Safety Clause	447	176
1286	Esgar & Garnett, Moreno & Fenberg	FY 2022-23 Legislative Appropriation Bill	Approved 4/12/2022	4/12/2022	490	9
1287	Boesenecker & Hooton, Winter	Protections For Mobile Home Park Residents	Approved 5/26/2022	No Safety Clause 10/1/2022	255	280
1288	Titone & Soper, Smallwood & Fields	Safe Reporting Assaults Suffered By Sex Workers	Approved 5/2/2022	5/2/2022	148	41

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1289	Gonzales-Gutierrez & McCluskie, Moreno & Fields	Health Benefits For CO Children & Pregnant Persons	Approved 6/7/2022	6/7/2022	399	190
1290	Titone & Ortiz, Zenzinger & Coram	Changes To Medicaid For Wheelchair Repairs	Approved 6/2/2022	6/2/2022	328	191
1291	Weissman, Ginal	Sunrise Review Professions Occupations	Approved 5/25/2022	Portions on 7/1/2022 and 10/16/2022	219	143
1292	Lindsay, Jaquez Lewis	Flexibility In Oral Health Program Funding	Approved 5/18/2022	5/18/2022	186	176
1294	Michaelson Jenet & Young, Zenzinger & Gardner	Special Education Services In Charter Schools	Approved 5/26/2022	No Safety Clause	242	64
1295	Sirota & Garnett, Buckner & Fenberg	Dept. Early Childhood & Universal Preschool Prog	Approved 4/25/2022	Portions on 4/25/2022, 7/1/2022, and 1/9/2023	123	48
1296	Mullica & Van Winkle, Priola	Residential Real Property Classification	Approved 6/2/2022	No Safety Clause	310	311
1297	Kipp & Neville, Bridges & Scott	Daylight Saving Time Year Round	Approved 6/2/2022	No Safety Clause	330	144
1298	Mullica, Jaquez Lewis & Hinrichsen	Fee Relief Nurses Nurse Aides & Technicians	Approved 5/18/2022	5/18/2022	176	272
1299	Young, Kolker & Fields	License Regis Fee Relief For Mental Health Profils	Approved 5/17/2022	5/17/2022	174	273
1300	Carver & Daugherty, Fields & Gardner	Local Enforcement To Prevent Human Trafficking	Approved 6/8/2022	No Safety Clause	439	93
1301	Soper & Roberts, Donovan & Simpson	Controlled Envntl Ag Facility As Ag Prop	Approved 5/20/2022	No Safety Clause	198	311
1302	Kennedy & Will, Jaquez Lewis & Priola	Health-care Practice Transformation	Approved 5/18/2022	5/18/2022	180	192
1303	Amabile & Sandridge, Winter & Smallwood	Increase Residential Behavioral Health Beds	Approved 5/18/2022	5/18/2022	183	203
1304	Roberts & Bradfield, Coleman & Gonzales	State Grants Investments Local Affordable Hous	Approved 6/1/2022	6/1/2022	290	144

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1306	Titone & Baisley, Bridges & Priola	Broadband Deployment Board Grant Processes	Approved 6/2/2022	6/2/2022	325	287
1307	Valdez D. & Pico, Moreno	Mental Health Professionals Technical Changes	Approved 5/20/2022	No Safety Clause	207	273
1308	McCormick, Donovan	Agricultural Workforce Services Program	Approved 6/3/2022	No Safety Clause	368	4
1309	Froelich, Winter & Jaquez Lewis	Hospital Dispense Drugs To Sexual Assault Victims	Approved 5/26/2022	5/26/2022	248	177
1310	Larson & Kipp, Bridges & Woodward	529 Account Apprenticeship Expenses	Approved 6/3/2022	No Safety Clause 1/1/2023	369	312
1311	Pico & Woodrow, Woodward	Correct Defects With Gas & Special Fuel Tax	Approved 6/8/2022	No Safety Clause	440	312
1312	Lynch & Woodrow, Moreno & Woodward	Mod To Sales Tax Statutes To Address Defects	Approved 5/20/2022	No Safety Clause	202	313
1313	McCormick & Caraveo, Moreno	Agricultural Housing Public Health COVID Emergency	Approved 6/3/2022	6/3/2022	373	234
1314	Ricks & Hooton, Gonzales & Sonnenberg	Towing Carrier Nonconsensual Tows	Approved 6/7/2022	No Safety Clause	416	287
1315	Snyder & Rich, Hansen & Priola	Colorado 2-1-1 Collaborative Funding	Approved 6/3/2022	6/3/2022	360	145
1316	McCormick & Catlin, Donovan & Simpson	CO Water Conservation Bd Construction Fund Project	Approved 5/23/2022	5/23/2022	212	325
1317	Tipper, Bridges	Restrictive Employment Agreements	Approved 6/8/2022	No Safety Clause	441	235
1318	Benavidez, Fields	Extending CO Info Sharing Consortium Deadline	Approved 6/8/2022	6/8/2022	457	145
1319	Gonzales-Gutierrez & Jodeh, Gonzales	Dependency Proceedings Unaccompanied Child	Approved 6/7/2022	6/7/2022	391	16
1320	Kipp & Larson, Zenzinger & Woodward	ABLE Savings Accounts	Approved 5/26/2022	No Safety Clause 1/1/2023	241	313

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1321	McKean & Roberts, Pettersen & Woodward	Study Of Devices Assessing Motorist Impairment	Approved 6/8/2022	6/8/2022	458	248
1322	Benavidez & Valdez A., Moreno & Gonzales	Water Quality Regulation	Approved 6/8/2022	6/8/2022	460	177
1323	Snyder & Froelich, Rankin & Ginal	Updates To State Forest Service Tree Nursery	Approved 6/8/2022	No Safety Clause	434	254
1324	Bernett & Lynch, Woodward & Rodriguez	Definition Of Pawnbroker	Approved 5/26/2022	5/26/2022	249	101
1325	Kennedy & Caraveo, Ginal	Primary Care Alternative Payment Models	Approved 5/18/2022	No Safety Clause	181	221
1326	Garnett, Pettersen & Cooke	Fentanyl Accountability And Prevention	Approved 5/25/2022	Portions on 7/1/2022 and 1/1/2023	225	41
1327	Herod & McLachlan, Moreno & Coram	Native American Boarding Schools	Approved 5/24/2022	5/24/2022	216	146
1328	Titone & McLachlan, Donovan	Modify Main St Bus Recovery Loan Prog	Approved 6/3/2022	6/3/2022	374	147
1329	McCluskie, Hansen	2022-23 Long Bill	Approved 4/25/2022	4/25/2022	507	9
1330	McCluskie & Ransom, Hansen & Rankin	Suspend 5-year Corrections Appropriations	Approved 4/15/2022	4/15/2022	104	91
1331	Herod & Ransom, Zenzinger & Rankin	Supplemental Funding For Facility Schools	Approved 4/25/2022	No Safety Clause	128	65
1332	McCluskie & Herod, Hansen & Rankin	OEDIT ARPA Funds For Rural Colorado	Approved 4/25/2022	4/25/2022	129	147
1333	Herod & McCluskie, Zenzinger & Rankin	Increase Minimum Wage For Nursing Home Workers	Approved 4/25/2022	No Safety Clause	140	192
1334	Herod, Zenzinger	Food Distribution Program Administrative Fee	Approved 4/25/2022	No Safety Clause	130	211
1335	McCluskie & Ransom, Hansen & Rankin	Transfer To The Judicial Department IT Cash Fund	Approved 4/25/2022	4/25/2022	131	147
1336	McCluskie & Ransom, Hansen & Zenzinger	Streamline Processing Of Judicial Dept Collections	Approved 4/25/2022	4/25/2022	132	148

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1337	Herod & Ransom, Hansen & Rankin	State Personnel Director's Compensation Report	Approved 4/25/2022	4/25/2022	133	148
1338	Herod, Hansen	Mod DOR Motor Vehicle-related Functions Funding	Approved 4/25/2022	4/25/2022	134	320
1339	Herod & McCluskie, Zenzinger & Rankin	Merge DOR Div Of Motor Vehicles Cash Funds	Approved 4/25/2022	7/1/2022	135	248
1340	Herod & McCluskie, Hansen & Zenzinger	Capital-related Transfers Of Money	Approved 4/25/2022	4/25/2022	141	148
1341	Herod & McCluskie, Zenzinger & Rankin	Marijuana Tax Cash Fund	Approved 4/25/2022	4/25/2022	136	149
1342	Herod & Ransom, Hansen & Rankin	State Emergency Reserve Cash Fund	Approved 4/25/2022	4/25/2022	137	149
1343	McCluskie & Ransom, Hansen & Rankin	Gen Fund Exempt Account & Excess State Revenues	Approved 4/25/2022	4/25/2022	138	149
1344	Neville & Ortiz, Cooke & Ginal	FDA-approved Prescription MDMA Drug Use	Approved 6/8/2022	No Safety Clause	461	203
1345	Cutter & Bradfield, Gonzales & Lee	Perfluoroalkyl And Polyfluoroalkyl Chemicals	Approved 6/3/2022	6/3/2022	338	177
1346	Duran & Mullica, Danielson	Elec Plumber Licensing Apprentice Ratio	Approved 6/8/2022	No Safety Clause 1/1/2023	483	274
1347	Daugherty, Rodriguez	Workers' Compensation Updates	Approved 6/8/2022	No Safety Clause	477	236
1348	Froelich & Caraveo, Winter	Oversight Of Chemicals Used In Oil & Gas	Approved 6/8/2022	6/8/2022	478	255
1349	Duran & Will, Bridges & Priola	Postsecondary Student Success Data System	Approved 6/3/2022	No Safety Clause	349	79
1350	McCluskie & Rich, Bridges & Lundeen	Regional Talent Development Initiative Grant Prog	Approved 5/26/2022	5/26/2022	233	150
1351	Roberts & McLachlan, Pettersen & Hinrichsen	Temporarily Reduce Road User Charges	Approved 5/16/2022	5/16/2022	159	320
1352	Mullica, Jaquez Lewis	Stockpile For Declared Disaster Emergencies	Approved 5/18/2022	5/18/2022	177	151

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1353	Bernett & Baisley, Bridges	Public Safety Communications Transfer	Approved 6/8/2022	Portions on 6/8/2022 and 7/1/2023	479	151
1354	Lindsay & Michaelson Jenet, Winter	Protecting Injured Workers' Mental Health Records	Approved 6/8/2022	6/8/2022	476	237
1355	Cutter, Priola & Gonzales	Producer Responsibility Program For Recycling	Approved 6/3/2022	No Safety Clause	337	178
1356	Herod & Hooton, Gonzales & Rankin	Small Community-based Nonprofit Grant Program	Approved 6/3/2022	6/3/2022	351	26
1358	Sirota, Winter & Fields	Clean Water In Schools & Child Care Centers	Approved 6/7/2022	No Safety Clause	382	181
1359	Bacon & Snyder, Rodriguez & Lee	Colorado Household Financial Recovery Program	Approved 6/3/2022	6/3/2022	376	22
1360	Titone & Baisley, Kolker	Retaining Percentage Of Fed Child Support Payments	Approved 6/3/2022	No Safety Clause	364	211
1361	Boesenecker, Jaquez Lewis & Story	Oil & Gas Reporting	Approved 6/8/2022	7/1/2022	472	153
1362	Bernett & Valdez A., Hansen & Winter	Building Greenhouse Gas Emissions	Approved 6/2/2022	6/2/2022	301	93
1364	Cutter & Soper, Story & Priola	Food Pantry Assistance Grant Program	Approved 6/3/2022	6/3/2022	377	212
1365	Esgar, Hinrichsen	S CO Inst Of Transp Tech At CSU-P	Approved 5/27/2022	No Safety Clause	259	80
1366	Kipp, Bridges	Improving Students' Postsecondary Options	Approved 5/26/2022	5/26/2022	244	65
1367	Lontine & Gray, Winter & Pettersen	Updates To Employment Discrimination Laws	Approved 6/8/2022	No Safety Clause	473	153
1368	Herod, Rodriguez	Community Corrections Programs Access	Approved 6/8/2022	6/8/2022	474	27
1369	Sirota & Pelton, Story & Sonnenberg	Children's Mental Health Programs	Approved 6/3/2022	6/3/2022	346	53
1370	Jodeh & Sirota, Winter & Buckner	Coverage Requirements For Health-care Products	Approved 5/18/2022	No Safety Clause	184	222

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1371	McLachlan & Roberts, Cooke & Fields	Remove Peace Officer Residency Requirement	Approved 5/26/2022	No Safety Clause	250	101
1372	Carver, Gardner & Fields	Emergency Engine Exemption Emission Regulation	Approved 6/2/2022	6/2/2022	316	182
1373	Gonzales-Gutierrez, Gonzales	Court-ordered Restitution Paid By Juveniles	Approved 6/7/2022	6/7/2022	392	16
1374	Michaelson Jenet, Moreno	Foster Care Success Act	Approved 5/31/2022	5/31/2022	273	212
1375	Michaelson Jenet, Buckner	Child Residential Treatment & Runaway Youth	Approved 6/7/2022	6/7/2022	384	16
1376	Herod & Young, Priola & Winter	Supportive Learning Environments For K-12 Students	Approved 5/26/2022	5/26/2022	243	66
1377	Woodrow & Exum, Kolker & Gonzales	Grant Program Providing Responses To Homelessness	Approved 5/31/2022	5/31/2022	285	154
1378	Jodeh & Sullivan, Coleman & Hansen	Denver-metro Regional Navigation Campus Grant	Approved 5/31/2022	5/31/2022	287	204
1379	McCormick & Catlin, Donovan & Simpson	Wildfire Prevention Watershed Restoration Funding	Approved 6/2/2022	6/2/2022	306	326
1380	Gonzales-Gutierrez & Pelton, Bridges & Coram	Critical Services For Low-income Households	Approved 6/3/2022	6/3/2022	375	212
1381	Titone & McKean, Winter & Woodward	CO Energy Office Geothermal Energy Grant Program	Approved 6/2/2022	No Safety Clause	334	155
1382	McCluskie & Catlin, Donovan	Support Dark Sky Designation & Promotion In CO	Approved 5/27/2022	5/27/2022	272	156
1383	Kipp & Holtorf, Lee	Employment Opportunities For Juveniles	Approved 6/3/2022	No Safety Clause	365	17
1385	Titone, Hansen	CO Operations Resource Engine Upgrade Project	Approved 5/27/2022	5/27/2022	268	157
1386	Amabile & Soper, Hansen & Gardner	Competency To Proceed & Restoration To Competency	Approved 6/2/2022	7/1/2022	317	45
1387	Titone & Bradfield, Fields & Priola	Common Interest Communities Reserve Funds	Vetoed 5/27/2022			281

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1388	Valdez A., Priola & Winter	Vehicle Registration & Certificate Of Title	Approved 6/8/2022	No Safety Clause Portions 1/1/2023 and 8/10/2022	475	249
1389	Herod, Hinrichsen	Financial Literacy Exchange Program	Approved 6/2/2022	No Safety Clause 1/1/2023	314	157
1390	McCluskie & McLachlan, Zenzinger & Lundeen	Public School Finance	Approved 5/26/2022	5/26/2022	237	67
1391	McCluskie, Hansen & Rankin	Modifications To Severance Tax	Approved 6/7/2022	No Safety Clause	401	313
1392	Bird & Lindsay, Moreno	Contaminated Land Income Tax & Property Tax Exempt	Approved 6/7/2022	6/7/2022	412	314
1393	Tipper & Soper, Gonzales & Moreno	Displaced Aurarian Scholarship	Approved 6/8/2022	No Safety Clause	432	80
1394	Esgar & Roberts, Winter & Donovan	Fund Just Transition Community & Worker Supports	Approved 6/8/2022	6/8/2022	437	238
1397	Herod & Gonzales-Gutierrez, Moreno & Coleman	Statewide Equity Office	Approved 6/7/2022	6/7/2022	413	158
1398	Bird & Holtorf, Kolker & Liston	Insurance Companies' Registered Agents	Approved 5/27/2022	No Safety Clause	270	223
1399	Ortiz & Boesenecker, Ginal	Music Therapist Title Protection	Vetoed 6/7/2022			275
1400	McCluskie & Tipper, Moreno	Procedural Requirements For State Enterprises	Approved 6/7/2022	6/7/2022	414	158
1401	Mullica, Moreno	Hospital Nurse Staffing Standards	Approved 5/18/2022	5/18/2022	178	239

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1402	Garnett, Hansen	Responsible Gaming Grant Program	Approved 6/7/2022	No Safety Clause Portions on 8/10/2022 and 1/1/2024	402	294
1403	Jodeh, Buckner	Extend HB21-1198 Implementation Date 3 Months	Approved 5/20/2022	5/20/2022	203	193
1405	Lindsay, Jaquez Lewis	Add Faculty To Key Participant Definition For Hemp	Approved 6/7/2022	6/7/2022	403	4
1406	Herod & Roberts, Coleman & Hinrichsen	Qualified Retailer Retain Sales Tax	Approved 6/3/2022	6/3/2022	353	315
1407	Valdez D. & Ortiz, Hinrichsen	Veterans Audit Higher Education Courses	Approved 5/27/2022	No Safety Clause	258	80
1408	Herod & Esgar, Hisey & Moreno	Modify Performance-based Incentive For Film Produc	Approved 6/3/2022	6/3/2022	355	159
1409	Herod & Titone, Coleman & Hisey	Community Revitalization Grant Program Funding	Approved 6/3/2022	6/3/2022	352	159
1410	Bird & Rich, Holbert & Rodriguez	Remote Work Employees Of Supervised Lenders	Approved 6/7/2022	No Safety Clause	404	23
1411	McCluskie & Herod, Moreno	Money From Coronavirus State Fiscal Recovery Fund	Approved 5/27/2022	5/27/2022	271	159
1412	Garnett & Van Winkle, Cooke	Sunset Division Of Gaming	Approved 6/7/2022	No Safety Clause Portions on 8/10/2022 and 7/1/2023	405	295
1413	Esgar & McKean, Fenberg & Holbert	Remote Testimony Before Legislative Committees	Approved 6/7/2022	6/7/2022	425	92
1414	Gonzales-Gutierrez & Michaelson Jenet, Pettersen & Fields	Healthy Meals For All Public School Students			509	70

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1415	Bird & McKean, Zenzinger & Lundeen	Repeal Registered Manager Reqmnt Liquor Licensees	Approved 6/7/2022	6/7/2022	426	296
1416	Esgar & Neville, Kolker & Rankin	Property Tax Administrative Procedures	Approved 5/16/2022	No Safety Clause	158	315
1418	Herod & McCluskie, Hansen & Zenzinger	Extension Of Certain Unused Tax Credits	Approved 6/7/2022	No Safety Clause	427	316

TABLE OF ENACTED SENATE BILLS

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
001	Buckner & Hinrichsen, Ricks & Tipper	Crime Prevention Through Safer Streets	Approved 5/19/2022	5/19/2022	190	104
002	Ginal & Story, Cutter & Will	Resources For Volunteer Firefighters	Approved 6/3/2022	6/3/2022	339	96
003	Buckner & Donovan, Mullica & Exum	Community Coll Nursing Bachelor Degree Eligibility	Approved 4/7/2022	No Safety Clause	71	72
004	Rankin & Bridges, McCluskie	Evidence-based Training In Science Of Reading	Approved 5/31/2022	No Safety Clause	280	54
005	Bridges & Cooke, Roberts & Woog	Law Enforcement Agency Peace Officer Services	Approved 5/31/2022	5/31/2022	277	104
006	Kolker & Rodriguez, McLachlan & Snyder	Sales Tax Assistance For Small Bus	Approved 5/16/2022	No Safety Clause	160	298
007	Story & Lee, Cutter & Snyder	Increase Wildfire Risk Mitigation Outreach Efforts	Approved 6/3/2022	6/3/2022	342	251
008	Zenzinger & Priola, McLachlan & McKean	Higher Education Support For Foster Youth	Approved 5/26/2022	5/26/2022	226	72
009	Ginal & Hisey, Bird & Benavidez	Recertification & Theft Of Catalytic Converters	Approved 6/7/2022	6/7/2022	418	33
010	Simpson & Lee, Benavidez & Amabile	Pretrial Diversion For Person With Behavioral Health	Approved 5/2/2022	No Safety Clause	147	33
011	Zenzinger & Coram, Catlin & Esgar	America 250 - Colorado 150 Commission	Approved 5/26/2022	5/26/2022	229	104
012	Donovan, Hooton	Versions Of The Colorado Constitution	Approved 5/20/2022	No Safety Clause	208	105
013	Fenberg & Holbert, Garnett	Boards & Commissions	Approved 2/25/2022	2/25/2022	2	106
014	Moreno, McKean & McLachlan	Colorado Youth Advisory Council Updates	Approved 3/17/2022	3/17/2022	32	107

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015	Holbert, Titone	Douglas Cnty On Urban Drainage Flood Control Dist	Approved 3/15/2022	No Safety Clause	18	103
017	Scott & Zenzinger, Boesenecker & Catlin	Fluid Milk Products Not Divisible Load	Approved 3/3/2022	3/3/2022	7	241
018	Lee & Cooke, Benavidez & Soper	Expand Court Reminder Program	Approved 5/19/2022	07/15/2022 & 10/15/2022	191	28
019	Winter, Woodrow	Access To Suppressed Court Eviction Records	Approved 3/15/2022	No Safety Clause	19	28
020	Gardner, Tipper	Court Reporter Administering Oaths Or Affirmations	Approved 3/30/2022	3/30/2022	57	108
021	Rodriguez & Lee, Benavidez & Amabile	Treatment Behavioral Hlth Disorders Justice System	Approved 6/8/2022	6/8/2022	471	33
022	Lee & Gardner, Snyder & Soper	Enactment Of CRS 2021	Approved 3/3/2022	3/3/2022	8	297
024	Fields & Cooke, Roberts & Soper	Intimidating A Witness Changes	Approved 3/17/2022	7/1/2022	26	34
025	Hansen, Bird & McCluskie	Security Token Offerings State Capital Financing	Approved 6/7/2022	No Safety Clause	386	108
026	Ginal & Kirkmeyer, Boesenecker & Rich	Oil & Gas Operator Property Tax Procedures	Approved 3/30/2022	3/30/2022	58	298
027	Smallwood & Rodriguez, Michaelson Jenet & Larson	Prescription Drug Monitoring Program	Approved 5/27/2022	5/27/2022	265	161
028	Simpson & Sonnenberg, Roberts & Catlin	Groundwater Compact Compliance Fund	Approved 5/23/2022	Approved	211	322
030	Donovan & Sonnenberg, McLachlan & Catlin	Expand Water Resources Review Cmt To Include Ag	Approved 3/30/2022	No Safety Clause	59	322
032	Bridges & Woodward, Kipp & Van Winkle	Simplify Local Sales & Use Tax Administration	Approved 4/21/2022	4/21/2022	119	298
034	Kolker & Priola, Bird & Sandridge	Business Filing Address & Name Fraud	Approved 6/2/2022	No Safety Clause 02/01/2023	326	24
035	Rodriguez & Smallwood, Bird & Van Winkle	Coverage Levels For Occupational Accident Ins	Approved 5/17/2022	No Safety Clause	167	225

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
036	Hansen & Hisey, Bird & Van Winkle	State Payment Old Hire Death & Disability Benefits	Approved 5/27/2022	5/27/2022	262	102
037	Moreno, Tipper & Jodeh	Tony Gramscas Youth Services Program	Approved 3/17/2022	3/17/2022	23	205
040	Smallwood & Winter, Will & Lontine	Actuarial Reviews Health Ins Mandate Legislation	Approved 6/8/2022	No Safety Clause	449	214
042	Coram, Esgar & Will	Colorado State Fair Authority Board Membership	Approved 3/24/2022	No Safety Clause	46	2
043	Cooke & Gonzales, Lynch & Duran	Restitution Services For Victims	Approved 5/27/2022	No Safety Clause	263	34
045	Lee, Bird	Modifications To CO Public Benefit Corporation Act	Approved 3/17/2022	No Safety Clause	33	25
049	Fields & Gardner, Tipper & Carver	Victim Rights Act	Approved 5/6/2022	5/6/2022	152	35
050	Coleman & Hisey, Soper & Exum	Work Opportunities For Offenders In DOC	Approved 3/30/2022	3/30/2022	51	27
051	Hansen, Sirota	Policies To Reduce Emissions From Built Envnt	Approved 6/9/2022	No Safety Clause	333	299
052	Jaquez Lewis & Smallwood, Mullica & Bradfield	Medical Assistance Income Eligibility Requirements	Approved 3/24/2022	3/24/2022	43	184
053	Sonnenberg, McLachlan & Geitner	Health Facility Visitation During Pandemic	Approved 6/8/2022	6/8/2022	430	161
054	Zenzinger & Kirkmeyer, Titone	Recommend Community School For Turnaround Plan	Approved 3/24/2022	No Safety Clause	44	54
055	Cooke & Hansen, Roberts & McKean	Alcohol Monitoring For Impaired Driving Offenders	Approved 6/8/2022	No Safety Clause	467	241
056	Sonnenberg & Garcia, Young & Will	UNC Osteopathic Medicine Degrees	Approved 3/17/2022	No Safety Clause	27	72
057	Cooke & Fields, Weissman	Violent Crime Victim Brain Injury Screening Prog	Approved 5/31/2022	5/31/2022	275	109
058	Simpson, McCormick	Dental Hygienists Peer Health Assistance Program	Approved 6/8/2022	No Safety Clause	431	258

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
059	Holbert, Hooton & Ransom	HOA Voting Proxy Limitations	Approved 3/21/2022	No Safety Clause	34	276
062	Lee & Gardner, Soper & Weissman	Committee On Legal Services Procedures	Approved 3/7/2022	No Safety Clause	17	89
064	Zenzinger & Rankin, McKean & Kipp	Neighborhood Youth Organizations	Approved 3/17/2022	3/17/2022	22	205
065	Hisey & Story, Gray & Will	Mod To County Coroners' Salaries	Approved 3/24/2022	No Safety Clause	45	97
068	Rodriguez & Kolker, Lontine & Woog	Provider Tool To View All-payer Claims Database	Approved 5/27/2022	5/27/2022	266	161
069	Story McLachlan & Froelich	Learning Disruption Effect On Teacher Evaluation	Approved 5/31/2022	5/31/2022	281	54
070	Bridges, McLachlan & McCluskie	K-12 Licensed Personnel Performance Evaluations	Approved 5/24/2022	5/24/2022	202	55
075	Simpson, Catlin	Removal Of Cemetery District Directors	Approved 3/21/2022	No Safety Clause	35	93
076	Holbert, Mullica	Complaint Occupational License Official Acts	Approved 4/7/2022	4/7/2022	73	258
077	Ginal & Woodward, Larson & Young	Interstate Licensed Professional Counselor Compact	Approved 6/8/2022	No Safety Clause	468	258
079	Kolker & Ginal, Young & Froelich	Dementia Training Requirements CDPHE DHCPF Rules	Approved 5/31/2022	No Safety Clause	282	162
081	Smallwood & Donovan, Tipper & Will	Health Exchange Ed Campaign Health-care Services	Approved 6/8/2022	No Safety Clause	448	215
083	Coram, Catlin	Broadband Provider's Use Of Public Rights-of-way	Approved 4/7/2022	No Safety Clause	72	317
086	Winter & Gonzales, Gray & Gonzales-Gutierrez	Homestead Exemption & Consumer Debt Protection	Approved 4/7/2022	4/7/2022	74	18
091	Buckner & Cooke, Herod & Van Winkle	Nonsubstantive Changes To Rule Review Statutes	Approved 3/17/2022	No Safety Clause	28	1
092	Gardner, Soper	Update Colorado Probate Code	Approved 3/30/2022	No Safety Clause	60	257

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
095	Fields & Moreno, Gonzales-Gutierrez & Bacon	Improving Missing Person Investigations	Approved 4/7/2022	4/7/2022	70	109
097	Pettersen & Rodriguez, Herod & Sullivan	Whistleblower Protection Health & Safety	Approved 5/31/2022	05/31/2022	274	225
098	Rodriguez, Roberts & Will	Program Allowing Redispensing Of Unused Drugs	Approved 6/8/2022	6/8/2022	459	162
099	Hisey & Rodriguez, Tipper & Larson	Sealing Criminal Records	Approved 5/31/2022	No Safety Clause	276	109
100	Winter & Gardner, Duran & Esgar	Continue Domestic Violence Fatality Review Board	Approved 5/2/2022	5/2/2022	143	110
102	Kirkmeyer, Young	Transparency Out-of-home Placements Dev Disab	Approved 3/17/2022	No Safety Clause	29	194
103	Gonzales, Tipper	Remedy For Improper Guilty Pleas	Approved 4/18/2022	4/18/2022	105	29
104	Donovan & Simpson, McLachlan & Gonzales-Gutierrez	Tribal Governments Included In State Programs	Approved 5/24/2022	No Safety Clause	218	89
105	Donovan, McLachlan	Tribal Govs Annual Address To Joint Session	Approved 4/11/2022	No Safety Clause	82	89
106	Kolker & Sonnenberg, Michaelson Jenet & Rich	Conflict Of Interest In Public Behavioral Hlth	Approved 5/20/2022	5/20/2022	196	194
107	Gardner, Snyder	Pikes Peak International Hill Climb License Plate	Approved 5/26/2022	5/26/2022	246	241
108	Liston, Valdez D.	Altered Truck Weight Documents	Approved 4/4/2022	No Safety Clause	63	241
110	Sonnenberg & Kolker, Pelton	Equip Wind Turbine Aircraft Detection Lighting Sys	Approved 6/8/2022	No Safety Clause	462	283
113	Hansen & Buckner, Tipper & Bacon	Artificial Intelligence Facial Recognition	Approved 6/8/2022	No Safety Clause	463	111
114	Hisey & Story, Roberts & Catlin	Fire Suppression Ponds Water Rights	Approved 6/8/2022	No Safety Clause	464	322
115	Jaquez Lewis & Gardner, Soper & Tipper	Clarifying Terms Related To Landowner Liability	Approved 4/7/2022	4/7/2022	75	29

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
116	Holbert & Pettersen, Van Winkle & Bird	Increase Occupational Credential Portability	Approved 5/2/2022	No Safety Clause	146	259
118	Woodward & Hinrichsen, Holtorf & Valdez D.	Encourage Geothermal Energy Use	Approved 6/2/2022	No Safety Clause	335	113
120	Ginal & Coram, Sullivan	Regulation Of Kratom Processors	Approved 5/26/2022	No Safety Clause	251	290
121	Zenzinger & Simpson, Rich & McLachlan	Tuition Revenue Pledged By Inst Higher Education	Approved 4/7/2022	4/7/2022	76	73
124	Woodward & Kolker, Ortiz & Van Winkle	SALT Parity Act	Approved 5/16/2022	5/16/2022	164	300
127	Kirkmeyer & Zenzinger, Larson & McCluskie	Special Education Funding	Approved 5/26/2022	5/26/2022	228	56
130	Rankin & Hansen, McCluskie	State Entity Auth For Public-private Partnerships	Approved 5/26/2022	5/26/2022	232	114
133	Winter & Priola, Esgar & Woodrow	Provide Security For Certain Elected Officials	Approved 6/8/2022	6/8/2022	465	116
134	Hinrichsen & Coram, Esgar	State Fair Master Plan Funding	Approved 5/27/2022	5/27/2022	261	116
137	Zenzinger & Coram, McLachlan & Young	Transition Back To Standard K-12 Accountability	Approved 4/13/2022	4/13/2022	98	56
139	Buckner & Coleman, Herod	Juneteenth New State Holiday	Approved 5/2/2022	5/2/2022	149	116
140	Coleman & Gardner, McLachlan & Amabile	Expansion Of Experiential Learning Opportunities	Approved 6/3/2022	7/1/2022	357	225
141	Moreno & Kirkmeyer, Lynch & Valdez D.	Nonsubstantive Changes To Title 43	Approved 4/7/2022	No Safety Clause	81	317
142	Woodward & Zenzinger, Pico & Lynch	Repeal Municipal Bond Supervision Advisory Board	Approved 4/15/2022	No Safety Clause	102	88
143	Kirkmeyer & Woodward, Pico & Lynch	Update Common Provision Term Regulator Title 12	Approved 4/15/2022	No Safety Clause	103	259
144	Zenzinger, Kipp & Rich	Public And Nonprofit Entities Rideshare Contracts	Approved 5/27/2022	5/27/2022	267	283

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
145	Buckner & Cooke, Valdez A. & Will	Resources To Increase Community Safety	Approved 5/20/2022	5/20/2022	199	116
146	Zenzinger & Hisey, Snyder & Catlin	Middle Income Access Program Expansion	Approved 5/16/2022	5/16/2022	161	97
147	Kolker & Sonnenberg, Young & Pelton	Behavioral Health-care Services For Children	Approved 5/17/2022	5/17/2022	175	73
148	Donovan & Simpson, McLachlan & Catlin	CO Land-based Tribe Behavioral Hlth Grant Prog	Approved 5/24/2022	5/24/2022	217	194
150	Danielson, Duran & Herod	Missing And Murdered Indigenous Relatives	Approved 6/8/2022	6/8/2022	466	117
151	Danielson & Story, McCluskie & Will	Safe Crossings For Colorado Wildlife & Motorists	Approved 6/1/2022	No Safety Clause	293	317
152	Fenberg & Jaquez Lewis, Gray & Bernett	Residence Of Voter Whose Home Is Destroyed	Approved 4/13/2022	4/13/2022	101	82
153	Fenberg & Priola, Lontine	Internal Election Security Measures	Approved 6/2/2022	6/2/2022	322	82
154	Danielson, McCormick & Lindsay	Increasing Safety In Assisted Living Residences	Approved 6/2/2022	6/2/2022	323	162
155	Coram, Hooton	Expand Medical Marijuana Research Grant Programs	Approved 6/9/2022	No Safety Clause	489	290
156	Kolker & Fenberg, Amabile & Young	Medicaid Prior Authorization & Recovery Of Payment	Approved 5/6/2022	No Safety Clause 1/1/23	153	184
157	Holbert & Fenberg, Hooton & Van Winkle	Info Sharing For Consumer Protection Investigation	Approved 5/6/2022	No Safety Clause	154	18
158	Donovan, McCormick & Will	Species Conservation Trust Fund Projects	Approved 6/1/2022	6/1/2022	294	251
159	Bridges & Zenzinger, Ortiz & Will	Revolving Loan Fund Invest Affordable Hous	Approved 5/26/2022	5/26/2022	230	118
160	Gonzales & Hinrichsen, Boesenecker & Lindsay	Loan Program Resident-owned Communities	Approved 5/17/2022	5/17/2022	171	276

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
161	Danielson & Jaquez Lewis, Duran & Froelich	Wage Theft Employee Misclassification Enforcement	Approved 6/3/2022	No Safety Clause Portions on 8/10/2022 and 1/1/2023	370	227
162	Zenzinger & Kirkmeyer, Woodrow & Lynch	Administration Organization Act Modernization	Approved 6/8/2022	No Safety Clause	469	119
163	Coleman & Kolker, Ricks	Establish State Procurement Equity Program	Approved 6/8/2022	6/8/2022	433	120
164	Zenzinger & Woodward, Woodrow & Lynch	Correction Prop Tax Disclosure Info Metro Dist	Approved 5/6/2022	5/6/2022	155	103
165	Bridges, Lindsay & Geitner	CO Career Advisor Training Program	Approved 6/3/2022	6/3/2022	350	57
166	Donovan, McCormick & Will	Nongame Conservation Check-off Extension	Approved 6/1/2022	No Safety Clause	295	301
167	Ginal, Duran	Affirm Greyhounds As Companion Pets	Approved 5/2/2022	No Safety Clause	144	2
168	Donovan & Rankin, McCluskie & Will	Backcountry Search & Rescue	Approved 6/1/2022	Portions on 6/1/2022 and 1/1/2023	296	252
169	Donovan, Will	Sensitive Species Data & Public Records	Approved 5/20/2022	No Safety Clause	204	253
170	Winter, Gray & Hooton	Permissible Uses Of Waste Tire Fund	Approved 6/8/2022	6/8/2022	470	164
171	Bridges & Priola, McLachlan & Kipp	Privacy Protections For Educators	Approved 5/26/2022	5/26/2022	240	36
172	Winter & Rankin, Roberts & Rich	Colorado Rural Health-care Workforce Initiative	Approved 6/1/2022	6/1/2022	298	73
173	Rodriguez & Smallwood, Bird & McKean	Telepharmacy Criteria Remove Location Restriction	Approved 6/8/2022	No Safety Clause	484	260

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
174	Buckner, Kennedy	Sunset Review Hearing Criteria	Approved 5/25/2022	No Safety Clause 10/16/2022	221	121
176	Hansen & Rankin, McCluskie	Early Stage Front Range Passenger Rail Funding	Approved 6/7/2022	6/7/2022	387	317
177	Pettersen & Rankin, Titone & Bradfield	Investments In Care Coordination Infrastructure	Approved 5/25/2022	7/1/2022	223	194
178	Gonzales, Valdez A. & Van Winkle	Licensees Ability To Change Marijuana Designation	Approved 5/26/2022	7/1/2022	247	290
179	Ginal & Liston, Lontine	Deter Tampering Motor Vehicle Emission Control Sys	Approved 6/8/2022	No Safety Clause	485	164
180	Winter & Hinrichsen, Gray & Bacon	Programs To Reduce Ozone Through Increased Transit	Approved 5/26/2022	5/26/2022	236	318
181	Bridges & Simpson, Cutter & Van Beber	Behavioral Hlth-care Workforce	Approved 6/8/2022	7/1/2022	452	260
182	Hansen & Coram, Daugherty & Young	Economic Mobility Program	Approved 6/3/2022	6/3/2022	356	122
183	Winter & Gardner, Duran & Weissman	Crime Victims Services	Approved 5/19/2022	5/19/2022	194	206
184	Fenberg & Pettersen, Esgar & Tipper	Comp Reqmnts For Members Of The GA	Approved 6/8/2022	No Safety Clause	486	90
185	Danielson & Buckner, Lindsay & Young	Security For Colorado Seniors	Approved 6/8/2022	6/8/2022	487	207
186	Ginal & Simpson, Mullica & McKean	Create Colorado Rare Disease Advisory Council	Approved 6/8/2022	No Safety Clause	488	165
187	Danielson, Cutter & Lindsay	Supporting Recovery Programs Persons Who Wander	Approved 5/26/2022	No Safety Clause	245	97
188	Fields & Coram, Roberts & Titone	Behavioral Health Support For Crim Jus Advocates	Approved 5/20/2022	No Safety Clause	200	29
190	Danielson & Coram, Ortiz	United States Space Force Special License Plate	Approved 6/8/2022	No Safety Clause	480	242
191	Bridges & Priola, Titone & Bernett	Procurement Of Information Technology Resources	Approved 6/8/2022	6/8/2022	191	122

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
192	Zenzinger & Simpson, Esgar & Catlin	Opportunities For Credential Attainment	Approved 5/26/2022	5/26/2022	227	74
193	Fenberg & Gonzales, Valdez A. & Froelich	Air Quality Improvement Investments	Approved 6/2/2022	6/2/2022	300	166
194	Story & Fields, Valdez D. & Hooton	Money In Creative Industries Cash Fund	5/20/2022	No Safety Clause	205	123
195	Donovan & Sonnenberg, Catlin & Valdez D.	Modifications To Conservation District Grant Fund	Approved 6/8/2022	No Safety Clause	482	324
196	Gonzales & Lee, Bacon & Benavidez	Health Needs Of Persons In Criminal Justice Sys	Approved 5/19/2022	5/19/2022	193	195
197	Coleman & Hansen, Bacon	Innovation Sch Zones With Alternative Governance	Approved 6/2/2022	No Safety Clause	307	57
198	Fenberg & Scott, Weissman & Will	Orphaned Oil & Gas Wells Enterprise	Approved 6/2/2022	7/1/2022	331	253
199	Jaquez Lewis & Priola, Kipp & Froelich	Native Pollinating Insects Protection Study	Approved 5/27/2022	5/27/2022	257	169
200	Ginal & Rankin, Soper & McCluskie	Rural Provider Stimulus Grant Program	Approved 6/1/2022	6/1/2022	297	184
201	Lee & Gardner, Weissman & Carver	Commission On Judicial Discipline	Approved 5/20/2022	5/20/2022	201	30
202	Zenzinger & Rankin, McCluskie	State Match For Mill Levy Override Revenue	Approved 5/26/2022	5/26/2022	238	58
203	Fields & Smallwood, Lontine & Soper	Program Of All-inclusive Care For The Elderly	Approved 6/8/2022	No Safety Clause	450	185
204	Gonzales, Lindsay & Gonzales-Gutierrez	Repeal Fed Gov Confirm Status For ID Documents	Approved 6/7/2022	6/7/2022 and 1/1/2023	423	242
205	Fenberg & Holbert, Valdez A.	Intoxicating Hemp & Tetrahydrocannabinol Products	Approved 5/31/2022	5/31/2022	278	170
206	Fenberg, Amabile	Disaster Preparedness & Recovery Resources	Approved 5/17/2022	5/17/2022	173	123
207	Winter, Bacon	Prevention Of Title IX Misconduct In Public Schs	Approved 6/7/2022	6/7/2022	424	59

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
208	Winter & Simpson, Lynch & Roberts	Condemned Conservation Easement Prop Compensation	Approved 6/7/2022	6/7/2022	420	301
209	Donovan & Sonnenberg, Roberts & Pelton	Meat Processing Grant & Loan Assistance	Approved 6/8/2022	6/8/2022	429	2
210	Zenzinger & Cooke, Lontine & Soper	License Supplemental Health-care Staffing Agencies	Approved 6/3/2022	No Safety Clause	371	229
211	Fields & Hinrichsen, Valdez A.	Repurpose The Ridge View Campus	Approved 5/31/2022	5/31/2022	288	126
212	Lee & Cooke, Herod & Soper	Revisor's Bill	Approved 6/7/2022	No Safety Clause	421	297
213	Fields & Sonnenberg, Valdez A. & Tipper	Child Care Support Programs	Approved 6/3/2022	07/01/2022	345	47
214	Hansen & Rankin, McCluskie	General Fund Transfer To PERA Payment Cash Fund	Approved 5/17/2022	5/17/2022	168	127
215	Hansen & Zenzinger, Herod & McCluskie	Infrastructure Investment & Jobs Act Cash Fund	Approved 6/7/2022	6/7/2022	415	127
216	Hansen & Zenzinger, Herod & McCluskie	Reallocation Of Limited Gaming Revenues	Approved 6/7/2022	6/7/2022	422	291
217	Hansen & Zenzinger, Herod & Ransom	Programs That Benefit Persons With Disabilities	Approved 6/7/2022	No Safety Clause	37/8	127
218	Holbert & Fenberg, McKean & Garnett	Sunset bill sponsorship	Approved 6/7/2022	No Safety Clause	419	90
219	Moreno & Smallwood, Duran & McLachlan	Regulate Dental Therapists	Approved 6/7/2022	No Safety Clause 1/1/2023	381	261
220	Hansen & Rankin, McCluskie & Esgar	Property Tax Deferral Program	Approved 6/7/2022	6/7/2022	388	301
222	Pettersen & Moreno, Kennedy & Weissman	Amount Of Tax Owed Table For Initiatives			508	302
223	Hinrichsen, Lindsay & Snyder	Motor Vehicle Dealer Principal Place Of Business	Approved 6/7/2022	No Safety Clause	406	291
224	Fenberg & Gardner, Tipper & Soper	Protections For Donor-conceived Persons & Families	Approved 5/31/2022	No Safety Clause	279	10

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
225	Zenzinger & Liston, Roberts & Baisley	Ambulance Service Sustainability & State Licensing	Approved 6/1/2022	Portions on 6/1/2022 and 7/1/2024	291	170
226	Jaquez Lewis & Rankin, Mullica	Programs To Support Health-care Workforce	Approved 5/18/2022	5/18/2022	179	263
227	Hinrichsen, Valdez D. & Will	Continue DOA Spending Authority Ag Programs	Approved 5/20/2022	5/20/2022	206	3
228	Rodriguez, Valdez A.	Retail Establishments Accept Cash Enforcement	Approved 6/7/2022	No Safety Clause	407	19
229	Story & Jaquez Lewis, Bernett & Gray	Release Deed Of Trust Without Evidence Of Debt	Approved 6/7/2022	No Safety Clause	408	276
230	Fenberg & Moreno, Esgar	Collective Bargaining For Counties	Approved 5/27/2022	Portions on 7/1/2022 and 7/1/2023	260	230
232	Bridges & Moreno, Herod & Bernett	Creation Of CO Workforce Hous Trust Auth	Approved 6/3/2022	6/3/2022	354	128
233	Hinrichsen & Rodriguez, Exum & Daugherty	TABOR Refund Mechanism For FY 2021-22 Only	Approved 5/23/2022	5/23/2022	209	129
234	Hansen & Rankin, Ortiz & Snyder	Unemployment Compensation	Approved 5/25/2022	5/25/2022	224	231
235	Rankin & Zenzinger, Herod & McCluskie	County Admin Of Public Assistance Programs	Approved 6/7/2022	6/7/2022	409	207
236	Hansen & Rankin, McCluskie & Ransom	Review Of Medicaid Provider Rates	Approved 6/7/2022	No Safety Clause Portions on 12/1/2022, 7/1/2023, and 5/1/2025	410	186
237	Fenberg & Holbert, Kennedy & Larson	Ballot Measure Campaign Finance	Approved 6/7/2022	Portions on 6/7/2022 and 9/1/2022	400	84

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
238	Hansen & Rankin, Weissman & Neville	2023 & 2024 Property Tax	Approved 5/16/2022	5/16/2022	157	302
239	Moreno & Simpson, Esgar & McKean	Buildings in the Capitol Complex	Approved 6/7/2022	No Safety Clause	411	130

ADMINISTRATIVE RULE REVIEW

S.B. 22-91 Statutes relating to review of administrative rules - removal of obsolete or redundant provisions. The act repeals a section of the "State Administrative Procedure Act" to remove obsolete or redundant provisions relating to the process for reviewing executive agency rules. The act also amends provisions in statute concerning executive agency rules to reflect current drafting practices relating to, among other practices, the use of gender-neutral language in statute.

APPROVED by Governor March 17, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1165 Continuation of 2021 rules of executive agencies. Based on the findings and recommendations of the committee on legal services, the act extends all state agency rules that were adopted or amended on or after November 1, 2020, and before November 1, 2021.

APPROVED by Governor April 25, 2022

EFFECTIVE April 25, 2022

AGRICULTURE

S.B. 22-42 Colorado state fair authority - board of commissioners - membership - appointments. The act restructures the board of commissioners of the Colorado state fair authority. Under current law, the appointed members of the board include 2 residents of the county in which the Colorado state fair and industrial exposition is held, one resident of each of the 7 congressional districts, and one person from the state at large. Under the act, the board includes 2 residents of the county in which the Colorado state fair and industrial exposition is held, 2 members from the state at large, and 2 residents from each of the 4 agricultural districts of the state. The governor is required to appoint the 2 members from the state at large on October 31, 2022. The members of the board appointed before the effective date of the act to represent congressional districts may continue to hold office until the expiration of their terms, at which point the governor is required to appoint a new member in accordance with the requirements of the act. Members are appointed for terms of 4 years; except that terms are staggered so that no more than 3 members' terms expire in the same year.

Of the 12 appointed members, at least 3 members must be affiliated with each of the major political parties for at least one year prior to appointment, and at least 3 members must be unaffiliated for at least one year prior to appointment. In addition, 4 members must be involved in the agricultural industry. The governor is required to attempt to ensure that the board represents the geographical diversity of the state.

If a person appointed on a temporary basis while the general assembly is not in session is not confirmed by the senate during the next regular session, the person's term ends and the person is not eligible for reappointment as a temporary appointee during the next legislative interim.

APPROVED by Governor March 24, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-167 Pet Animal Care and Facilities Act - greyhounds - remove exemption. The act removes the exemption for greyhound breeders from the "Pet Animal Care and Facilities Act". By removing this language, greyhounds are elevated to a class of pet that is intended to be a companion pet.

APPROVED by Governor May 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-209 Small meat processor business - grant and loan application assistance - repeal - appropriation. The act instructs the commissioner of agriculture to hire an employee or engage a contractor to provide grant and loan application assistance to small meat processors or people attempting to start a small meat processor business. The grant or loan must be used to start, expand, or support a small meat processor business. The employee or contractor may

also assist agricultural producers and agricultural businesses in applying for and obtaining grants.

The grant and loan application assistance program repeals on July 1, 2024.

To implement the act, \$62,885 is appropriated to the department of agriculture for use by the agricultural markets division.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

S.B. 22-227 Department spending authority - continued - specific programs and functions. The act continues the spending authority granted to the department of agriculture as follows:

- The \$3 million appropriation in Senate Bill 21-235, concerning additional funding for programs of the department of agriculture to support increased efficiency in agricultural operations, from the agriculture value-added cash fund to make grants to implement renewable energy and energy efficiency projects, conduct energy audits, and provide technical assistance is continued through the end of the 2022-23 state fiscal year;
- The \$2.5 million appropriation in Senate Bill 21-203, concerning an appropriation to the department of agriculture for the Colorado proud program, from the general fund for use by the agricultural markets division for the Colorado proud program is continued through the end of the 2023-24 state fiscal year; and
- The \$5 million appropriation in House Bill 21-1262, concerning monetary support for agricultural events in Colorado, from the Colorado state fair authority cash fund for use by the Colorado state fair is continued through the end of the 2022-23 state fiscal year.

APPROVED by Governor May 20, 2022

EFFECTIVE May 20, 2022

H.B. 22-1022 Colorado state fair and industrial exposition - Colorado state fair authority - industry displays - authority to hire manager. The act allows the Colorado state fair authority (authority) to collaborate with a state agency to develop an industry display at the Colorado state fair and industrial exposition. The act also:

- Clarifies that the authority may receive information related to an industry display from an industry representative;
- Requires the board of commissioners of the authority to establish a process for approving industry displays; and
- Clarifies that the hiring authority of the manager of the Colorado state fair authority is the commissioner of agriculture.

APPROVED by Governor April 12, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1053 Commissioner of agriculture - use of blockchain technology - online education - appropriation. The act instructs the commissioner of agriculture (commissioner) to create and deploy, on or before January 1, 2024, an online program that educates agricultural producers about blockchain technology. The commissioner will consult and cooperate with stakeholders to develop the online program, publicize the program, and encourage agricultural producers to participate in the program.

To implement the act, \$72,768 is appropriated from the general fund to the department of agriculture for use by the agricultural markets division.

APPROVED by Governor June 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1308 Agricultural workforce services program created - portal to access labor law information - report - appropriations. The act creates the Colorado agricultural workforce services program (program) in the department of agriculture (department), which program includes an online resource portal for agricultural employees to access information about their rights under labor laws and for agricultural employers to access information about compliance with labor laws.

For the 2022-23 state fiscal year, the act appropriates \$100,000 from the general fund to the department to be used as follows:

- \$29,086 for use by the commissioner's office and administrative services for personal services; and
- \$70,914 for use by the agricultural markets division for the program.

For the 2022-23 state fiscal year, the act also appropriates \$42,859 from the general fund to the department of labor and employment for use by the division of labor standards and statistics.

APPROVED by Governor June 3, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1405 Industrial hemp - registration - designation of key participants in registered activity - addition of faculty members at institutions of higher education. To engage in industrial hemp cultivation in the state, a person is required to apply to the department of agriculture for a registration. In applying for a registration, the person must include the names and addresses of all key participants in the registered activity. The act amends the definition of "key participant" to include faculty at an institution of higher education to align with federal law requirements that all individuals authorized to grow hemp under a registration undergo a criminal history record check.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

APPROPRIATIONS

H.B. 22-1170 Supplemental appropriations - department of corrections. The 2021 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of corrections. The general fund portion of the appropriation is increased and the cash funds portion is decreased.

APPROVED by Governor March 1, 2022

EFFECTIVE March 1, 2022

H.B. 22-1171 Supplemental appropriation - department of education. The 2021 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of education. The general fund portion of the appropriation is increased.

Amends Senate Bill 21-268, concerning the financing of public schools, to extend the time in which money remains available for specific purposes.

Amends Senate Bill 21-274, concerning a sustainable model that is not embedded in the child welfare system for serving facility students, to further appropriate unexpended money.

APPROVED by Governor March 1, 2022

EFFECTIVE March 1, 2022

H.B. 22-1172 Supplemental appropriations - offices of the governor, lieutenant governor, and state planning and budgeting. The 2021 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the offices of the governor, lieutenant governor, and state planning and budgeting. The general fund portion of the appropriation is increased.

Amends House Bill 21-1289, concerning broadband deployment, to extend the time in which money remains available for specific purposes.

APPROVED by Governor March 1, 2022

EFFECTIVE March 1, 2022

H.B. 22-1173 Supplemental appropriations - department of health care policy and financing. The 2021 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of health care policy and financing. The general fund and reappropriated funds portions of the appropriation are decreased and the cash funds and federal funds portions are increased.

A new appropriation to the department for overexpenditures of line item appropriations in the 2020 long bill is made.

APPROVED by Governor March 7, 2022

EFFECTIVE March 7, 2022

H.B. 22-1174 Supplemental appropriations - the department of higher education. The 2021 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of higher education. The general fund and reappropriated funds portions of the appropriation are decreased and the cash funds portion is increased.

An appropriation made in House Bill 21-1330, concerning measures to support student success in obtaining postsecondary credentials, is amended to further appropriate the amount appropriated for the 2022-23 and 2023-24 fiscal years.

APPROVED by Governor March 1, 2022

EFFECTIVE March 1, 2022

H.B. 22-1175 Supplemental appropriations - department of human services. The 2021 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of human services. The general fund, cash funds, and federal funds portions of the appropriation are increased.

An appropriation made in Senate bill 21-236, concerning increasing the capacity of quality early childhood education through grant programs, is amended to further appropriate the amount appropriated through June 30, 2023.

APPROVED by Governor March 7, 2022

EFFECTIVE March 7, 2022

H.B. 22-1176 Supplemental appropriations - judicial department. The 2021 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the judicial department. The general fund portion of the appropriation is decreased and the cash funds and reappropriated funds portions are increased.

APPROVED by Governor March 1, 2022

EFFECTIVE March 1, 2022

H.B. 22-1177 Supplemental appropriations - department of natural resources. The 2021 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of natural resources. The cash funds portion of the appropriation is increased.

APPROVED by Governor March 1, 2022

EFFECTIVE March 1, 2022

H.B. 22-1178 Supplemental appropriations - department of personnel. The 2021 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of personnel. The general fund, cash funds, and reappropriated funds portion of the appropriation are increased.

APPROVED by Governor March 1, 2022

EFFECTIVE March 1, 2022

H.B. 22-1179 Supplemental appropriations - department of public health and environment. The 2021 general appropriations act is amended to balance and make adjustments to the total

amount appropriated to the department of public health and environment. The general fund and reappropriated funds portions of the appropriation are increased.

Senate Bill 21-181, concerning state agencies addressing health disparities in Colorado, is amended to further appropriate the amount appropriated the money for the 2022-23 fiscal year.

Senate Bill 21-128, concerning modifications to the administration of the nursing home penalty cash fund, is amended to increase the amount appropriated to the department.

Senate Bill 21-243, concerning annual appropriations to the department of public health and environment, is amended to clarify that the money appropriated is from the general fund.

House Bill 21-1266, concerning efforts to redress the effects of environmental injustice on disproportionately impacted communities, is amended to clarify that the amount appropriated in subject to the (I) notation defined in the general appropriation act.

APPROVED by Governor March 7, 2022

EFFECTIVE March 7, 2022

H.B. 22-1180 Supplemental appropriations - department of public safety. The 2021 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of public safety. The general fund and cash funds portions of the appropriation are increased.

Amends Senate Bill 21-292, concerning the allocation of fifteen million dollars from the economic relief and recovery cash fund under the federal "American Rescue Plan Act of 2021" for purpose of funding victim's services programs to assist persons disproportionately impacted by the COVID-19 public health emergency, to further appropriate the unexpended amount through the 2022-23 fiscal year.

APPROVED by Governor March 1, 2022

EFFECTIVE March 1, 2022

H.B. 22-1181 Supplemental appropriations - department of revenue. The 2021 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of revenue. The cash funds portion of the appropriation is increased.

The 2020 general appropriation act is amended to make adjustments to the amount appropriation to the state lottery division.

Senate Bill 21-260, concerning the sustainability of the transportation system in Colorado, is amended to further appropriate the unexpended amount through the 2022-23 fiscal year.

House Bill 21-1233, concerning modifications to the requirements for claiming an income tax credit for the donation of a perpetual conservation easement, is amended to further appropriate the unexpended amount through the 2022-23 fiscal year.

Senate Bill 21-076, concerning the funding of a system for electronic transactions made by third-party providers related to the regulation of vehicles, is amended to further appropriate the unexpended amount through the 2022-23 fiscal year.

APPROVED by Governor March 1, 2022

EFFECTIVE March 1, 2022

H.B. 22-1182 Supplemental appropriations - department of state. The 2021 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of state. The cash funds portion of the appropriation is increased.

APPROVED by Governor March 7, 2022

EFFECTIVE March 7, 2022

H.B. 22-1183 Supplemental appropriations - department of the treasury. The 2021 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of the treasury. The general fund and cash funds portions of the appropriation are increased.

APPROVED by Governor March 1, 2022

EFFECTIVE March 1, 2022

H.B. 22-1184 Supplemental appropriations - capital construction projects. The 2021 general appropriations act is amended to balance and make adjustments to the total amount appropriated for capital construction projects. The capital construction fund and cash funds portions of the appropriation are increased.

The 2020 general appropriations act is amended to balance and make adjustments to the total amount appropriated for capital construction projects. The cash funds portion of the appropriation is decreased.

The 2019 general appropriations act is amended to balance and make adjustments to the total amount appropriated for capital construction projects. The capital construction fund and cash funds portion of the appropriation are decreased.

The 2018 general appropriations act is amended to add a new footnote to allow an appropriation made for the electronic birth registration system to remain available until June 30, 2023.

APPROVED by Governor March 7, 2022

EFFECTIVE March 7, 2022

H.B. 22-1185 Supplemental appropriations - capital construction information technology projects. The 2021 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of revenue. The capital construction fund portion of the appropriation is increased.

APPROVED by Governor March 7, 2022

EFFECTIVE March 7, 2022

H.B. 22-1286 Legislative appropriation - 2022-23 state fiscal year. The act appropriates \$61,419,806 to the legislative department for the payment of expenses in the 2022-23 state fiscal year. Additionally, the act appropriates \$50,000 to the youth advisory council cash fund within the legislative department and further appropriates to the legislative council, for use in the 2022-23 state fiscal year for new member orientation, \$17,500 that was appropriated to but not expended by the legislative council in the 2021-22 state fiscal year.

APPROVED by Governor March 1, 2022

EFFECTIVE March 1, 2022

H.B. 22-1329 General appropriation act - 2022 long bill. For the fiscal year beginning July 1, 2022, provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions. The grand total for the operating budget is set at \$37,736,904,638. The general funds portion of the appropriation is set at \$10,446,821,790; the general fund exempt portion is set at \$3,212,346,213; the cash funds portion is set at \$9,971,918,141; the reappropriated funds portion is set at \$2,356,087,392; and federal funds portion is set at \$11,749,731,102.

The grand total for the state fiscal year beginning July 1, 2022, for capital construction projects is set at \$491,102,435. The capital construction fund portion is set at \$5,246,375; the cash funds portion is set at \$484,090,730; and the federal funds portion is set at \$1,765,330.

The grand total for the state fiscal year beginning July 1, 2022, for information technology projects is set at \$146,428,435. The capital construction fund portion is set at \$109,102,442; the cash funds portion is set at \$17,186,989; and the federal funds portion is set at \$20,139,004.

The 2021 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the departments of education, health care policy and financing, higher education, law, and public safety.

The 2021 general appropriation act is amended to balance and make adjustments to the total amount appropriated for capital construction projects.

Appropriations were made in several bills during the 2021 legislative session as further amended to extend the appropriation for unexpended amounts to the 2022-23 fiscal year.

APPROVED by Governor April 25, 2022

EFFECTIVE April 25, 2022

CHILDREN AND DOMESTIC MATTERS

S.B. 22-224 Assisted reproduction - donor-conceived persons - rights to identifying and medical information - responsibilities and licensing of gamete agencies, banks, and fertility clinics - disclosure of identifying and medical information - record keeping - informational written materials - donor age limits - limits on number of families per donor - limits on egg-retrieval cycles - civil penalties - rules - fund established - appropriation. The act creates the "Donor-conceived Persons and Families of Donor-conceived Persons Protection Act" (act).

The act defines the following terms, among others:

- "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse;
- "Donor" means an individual who produces eggs or sperm collected by a gamete agency, gamete bank, or fertility clinic (ART agency) for use in assisted reproduction;
- "Donor-conceived person" (DCP) means an individual of any age who was born as a result of assisted reproduction;
- "Fertility clinic" means an entity or organization that performs assisted reproduction medical procedures and receives donor gametes for a recipient in, or who is a resident of, Colorado, and the recipient and gamete donor are unknown to each other at the time of donation;
- "Gamete" means unfertilized oocytes or sperm;
- "Gamete agency" means an oocyte or sperm donor matching agency that is located within or outside of Colorado and matches gamete donors with recipients in, or who are residents of, Colorado, and are unknown to each other at the time of donation;
- "Gamete bank" means an entity or organization that collects gametes from a donor or receives embryos and provides gametes or embryos to a recipient parent or the parent's medical provider and the recipient and donor are unknown to each other at the time of donation and the parent lives in, or is a resident of, Colorado at the time of donation;
- "Identifying information" means the donor's full name; the donor's date of birth; and the donor's permanent and, if different, current address or other contact information at the time of the donation, or, if different, the donor's current address or other contact information or both as retained by the ART agency;
- "Medical history" means information regarding any present physical illness of the donor; past illness of the donor; and social, genetic, and family medical history pertaining to the donor's health; and
- "Recipient" or "recipient parent" means an individual who receives donor gametes or embryos as an intended parent from an ART agency for use in assisted reproduction for the purpose of conceiving a child.

The act requires:

- An ART agency that, on or after January 1, 2025, collects gametes from a donor or matches a donor with a recipient, or receives gametes from a different ART agency, to collect the donor's identifying information and

medical history and make a good-faith effort to maintain current contact information and updates on the donor's medical history by requesting updates from the donor at least once every 3 years;

- Upon request of a DCP who is 18 years of age or older, or less than 18 years of age but legally emancipated, release of identifying and medical information to the DCP or the DCP's legal parent or guardian. An ART agency shall not match or provide gametes from a donor who does not agree to the identity disclosure when a DCP reaches 18 years of age;
- An ART agency to collect and securely maintain any records of the donor's identifying information and medical history. The ART agency shall also regularly request at least once every 3 years that a donor provide updates to the donor's contact information and medical history.
- An ART agency that matches or collects gametes from a donor on or after January 1, 2025, who is unknown to the recipient parent at the time of the donation to provide the donor with information about disclosure of information and obtain a declaration from the donor agreeing to identity disclosure when a DCP reaches 18 years of age;
- An ART agency to make and submit a proposed plan to the department of public health and environment (department) to permanently maintain records of donor identifying information and medical history, the number of families established with each donor's gametes, and genetic screening and testing in the event of dissolution, insolvency, or bankruptcy. In the case of such event, the gamete bank shall inform by mail and email, sent to the last known address, all gamete donors whose gametes were collected, matched, or received, as well as recipient parents who received gametes or embryos from the gamete bank.
- That, once an ART agency has record of or should reasonably know that 25 families have been established using a single donor's gametes in or outside of Colorado, with no limit on the number of children conceived by each of the families, the gamete bank shall not match or provide gametes from a donor to additional families.
- On or before January 1, 2025, the department to develop written materials for intended parents and separate materials for donors. An ART agency is required to ensure that, prior to tissue donation or sale of tissue, each tissue donor and intended recipient receives these written materials. The written materials are not meant to be in lieu of any mental health evaluations.
- That donors be at least 21 years of age at the time of the donation;
- On or after January 1, 2025, an ART agency operating in Colorado or providing donor gametes for use in assisted reproduction in Colorado to obtain a license that is conditioned on compliance with the act and its implementing rules;
- The state board of health (board) to establish a schedule of fees for licensure, with the department collecting the appropriate fee at the time of application for licensure; and
- The department to revoke licensure and issue fines for violations of the license, act, and implementing rules.

The department is allowed to assess a civil penalty for violations of the act.

The board is granted rule-making authority for the implementation of the act, with

rules to be promulgated on or before July 1, 2024.

The donor gamete agency, gamete bank, and fertility clinic fund is created.

For the 2022-23 state fiscal year, \$192,293 is appropriated to the department from the general fund.

APPROVED by Governor May 31, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1038 Dependency and neglect proceedings - client-directed legal representation - children or youth. Current law requires the appointment of a guardian ad litem for children or youth in dependency and neglect cases. The act requires that client-directed counsel for youth be appointed for children or youth 12 years of age or older to provide specialized client-directed legal representation.

The act prohibits the waiver of a child's or youth's right to counsel in dependency and neglect proceedings. The act also allows a child or youth to be a party in a dependency and neglect proceeding. For a child or youth 12 years of age or older with diminished capacity, a guardian ad litem shall remain in the role and separate counsel for the child or youth must be appointed.

APPROVED by Governor April 12, 2022

EFFECTIVE January 9, 2023

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1056 Temporary shelter - funding for judicial districts - judicial district temporary shelter plan - temporary shelter requirements - appropriation. The act requires the general assembly to annually appropriate money to the state department of human services (state department) sufficient to fund 5 nights of care for each juvenile placed in a licensed temporary shelter. The state department allocates the money to judicial districts in accordance with a formula developed by the working group for criteria for placement of juvenile offenders (working group). In order to receive an allocation, a judicial district's juvenile services planning committee, or the judicial district if the judicial district has not established a juvenile services planning committee, must include a plan for providing temporary shelter in the judicial district in its local juvenile services plan.

Under existing law, the working group is required to make recommendations regarding the placement of juveniles. The act requires the house of representatives public and behavioral health and human services committee and the senate health and human services committee to annually hold a joint meeting to determine whether the working group's recommendations have been implemented in a manner that warrants discontinuing the annual appropriation for 5 nights of care in a licensed temporary shelter and the requirement that judicial districts develop a plan for providing temporary shelter.

The act defines temporary shelter as the temporary care of a child in a physically unrestricted setting pending a return to the child's home or placement in an appropriate alternate setting pursuant to applicable state law. Temporary care in a temporary shelter is voluntary and a child may not be placed in a licensed temporary shelter facility for more than 5 days. The act requires a person providing temporary shelter to allow professionals to assess children there, and a child in temporary shelter must have access to educational services.

The act appropriates \$137,308 to the state department from the general fund for use by the division of youth services to implement the act.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

H.B. 22-1090 Child abuse and neglect - when not abused or neglected. Under current law, a child is neglected or dependent if the child's environment is injurious to the child's health or welfare. The act clarifies that a child is not neglected when allowed to participate in certain independent activities that a reasonable and prudent parent, guardian, or legal custodian would consider safe given the child's maturity, condition, and abilities.

APPROVED by Governor March 30, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1113 Foster youth - child welfare appeals system. A child welfare appeals workgroup was established in the state judicial department that made recommendations for changes in 2021. The act requires the child welfare appeals workgroup to monitor those changes, study changes to the child welfare appeals system, and submit reports in January 2023 and July 2024.

The act requires the district court to make written orders within 35 days after a hearing.

APPROVED by Governor March 30, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1131 Juvenile justice - pre-adolescent services task force - report - appropriations. Under current law, juveniles who are 10 years of age and older can be prosecuted in juvenile court. The act requires the state department of human services to establish a pre-adolescent services task force to examine gaps in services for juveniles who are 10 years of age or older but under 13 years of age, if any, that would be created if the minimum age of prosecution of juveniles is increased from 10 years of age to 13 years of age, and to make recommendations for addressing any gaps in services identified. The task force shall create a report containing its recommendations made by December 30, 2022, and provide that report to the judiciary committees of the house of representatives and the senate, and to the public and behavioral health and human services committee of the house of representatives

and the health and human services committee of the senate, or any successor committees.

For the 2022-23 fiscal year, the act appropriates \$105,000 from the general fund to the state department of human services for use by the division of child welfare.

For the 2022-23 fiscal year, the act appropriates \$9,433 from the general fund to the legislative department for use by the general assembly for per diem and travel expenses.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

H.B. 22-1153 Adoption - child conceived as result of assisted reproduction - voluntary acknowledgment of parentage. Whenever a child is conceived or born as a result of an assisted reproduction procedure (procedure) and the person who did not give birth is a parent or a presumed parent, the act allows the parents to complete an adoption of the child to affirm parentage. In such an instance, both parents must join the adoption petition as petitioners.

The act details what must be included on a form for adoption or a voluntary acknowledgment of parentage to acknowledge parentage of the child, as well as jurisdictional requirements and options. The act clarifies the requirements for parentage when a child is conceived through a procedure, including that the donor of gametes used in the procedure is not considered a parent, unless the gamete donor is a spouse or civil union partner of the person who gives birth to the child.

APPROVED by Governor May 23, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1211 Committee on juvenile justice reform - sunset. The act implements the recommendation of the department of regulatory agencies' sunset review and report concerning the committee on juvenile justice reform by repealing the committee. The act requires the committee to complete all its tasks before the repeal of the committee on December 31, 2022.

APPROVED by Governor April 7, 2022

PORTIONS EFFECTIVE August 10, 2022

PORTIONS EFFECTIVE December 1, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1231 Foster parent bill of rights. The act creates certain rights for foster parents. The rights do not apply to a foster parent who jeopardizes the safety of a child or youth or a foster parent against whom criminal charges have been filed for child abuse, a sexual

offense, or any felony.

APPROVED by Governor May 3, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1240 Mandatory reporters - task force - appropriation. The act creates the mandatory reporter task force (task force). The purpose of the task force is to analyze best practices and recommend changes to training requirements and reporting procedures for people required by law to report child abuse or neglect.

The task force shall analyze issues, including, but not limited to:

- The effectiveness of mandatory reporting and its relationship with systemic issues, including the disproportionate impact of mandatory reporting on under-resourced communities, communities of color, and persons with disabilities;
- The definition of "immediately" and how reporting time frames affect mandatory reporters from different professions;
- Reporting time frames for mandatory reporters who are creating a safety plan for victims of domestic violence, sexual assault, or stalking to ensure the safety of the victim and the victim's family members while creating the safety plan;
- Medical child abuse and the process to report medical child abuse;
- Whether mandatory reporters should report incidents observed outside of a mandatory reporter's professional capacity;
- A reporting process for 2 or more mandatory reporters to report child abuse or neglect when they have joint knowledge or joint reasonable cause to make a report of child abuse or neglect;
- Whether institutions that employ mandatory reporters may develop procedures to assist mandatory reporters in meeting reporting requirements; and
- The benefits of an electronic reporting platform for the state.

The task force is required to analyze national best practices and consult with additional stakeholders as necessary to finalize its findings and recommendations. The task force may propose clarifications to the law to help implement its recommendations. The task force operates for 2 years. The task force shall submit a final report on its findings and recommendations on January 1, 2025, to the house of representatives public and behavioral health and human services committee and the senate health and human services committee, or their successor committees; the governor; and the department of human services.

The act appropriates \$97,500 from the general fund to the judicial department for use by the office of the child protection ombudsman for program costs.

APPROVED by Governor June 2, 2022

EFFECTIVE August 10, 2022

NOTE: (1) This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

(2) Specified provisions are contingent on House Bill 22-1295 becoming law. House

Bill 22-1295 was signed by the governor May 26, 2022.

H.B. 22-1319 Juvenile court jurisdiction - unaccompanied child subject to parental abuse or neglect - dependency petition. The act provides juvenile court jurisdiction over an unaccompanied child in the custody of the federal office of refugee resettlement who is housed in a facility in Colorado and who has been subjected to parental abuse or neglect. A child may file a petition asking the court to determine that the child is dependent on the court. The petition must:

- Set forth the facts that bring the child under the court's jurisdiction;
- State the child's name, age, and country of birth; and
- Identify the facility where the child is housed in Colorado in the custody of the federal office of refugee resettlement.

The petition must not name the child's parent as a respondent. The petition must state clearly that parental rights may not be terminated through the proceedings.

The act requires the court to schedule a hearing after the petition is filed. If the court finds at the hearing that the statements in the petition are supported by a preponderance of the evidence, the court shall declare the child dependent on the court. A child declared dependent is eligible for oversight and services by the office of the child protection ombudsman. Upon request, the court may also issue an order establishing the child's eligibility for classification as a special immigrant juvenile under federal law.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

H.B. 22-1373 Court-ordered restitution - juveniles - insurance companies. The act prohibits a court from ordering a juvenile to pay restitution to insurance companies. A court may still order restitution for a victim's pecuniary loss for which the victim cannot be compensated under a policy of insurance, self-insurance, an indemnity agreement, or a risk management fund.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

H.B. 22-1375 Out-of-home placement - children who have run away - task force - appropriation. The act creates the Timothy Montoya task force to prevent children from running away from out-of-home placement (task force) in the office of the child protection ombudsman. The task force must analyze data related to children who have run away from out-of-home placement; analyze the root causes of why children run away from out-of-home placement; identify and analyze behaviors that constitute running away from out-of-home placement; analyze the likelihood that children who have run away will become a victim of crime; analyze best practices, state laws and regulations, and placement facility protocols and practices related to children running away; develop a consistent, prompt, and effective response to recover missing children; and address the safety and well-being of a child who has run away upon the child's return to out-of-home placement.

The office of the child protection ombudsman must enter into an agreement with an

institution of higher education to perform research that supports the task force's work and conduct focus groups with children in out-of-home placement, young adults who have aged out of the child protection system, and out-of-home placement providers.

The task force is required to issue a preliminary report by October 1, 2023, and a final report by October 1, 2024. Each report must include the task force's findings and recommendations to reduce the number of children who run away from out-of-home placement.

The act appropriates \$99,500 from the general fund to the judicial department for use by the office of the child protection ombudsman for program costs.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

H.B. 22-1383 Juveniles - employment opportunities - screening of applicants. The act allows the department of human services (department) to spend money appropriated to the department from the general fund in House Bill 22-1329 to expand career and technical education and vocational training programs in designated youth facilities for juveniles in the custody of the department.

The act prevents an employer from requiring an applicant for employment of any age to disclose information related to an arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while the applicant was subject to the process and jurisdiction of the juvenile court, and an applicant of any age is not required to disclose such information in response to an employer inquiry.

The act does not apply to the screening of applicants who have direct contact with vulnerable persons or the screening of applicants required by licensed child care, nor does it apply to any law enforcement agency or to any political subdivision.

The act prohibits state or local agencies from denying or taking adverse action against an applicant who has been adjudicated for a delinquent act in a juvenile proceeding, but who is otherwise qualified for a license, certification, permit, or registration.

APPROVED by Governor June 3, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 22-86 Assets exempt from seizure in certain proceedings - homestead exemption - exemptions from levy and sale. Colorado's statutory homestead exemption exempts a portion of a homestead from seizure to satisfy a debt, contract, or civil obligation. Section 2 increases the amount of the homestead exemption:

- From \$75,000 to \$250,000 if the homestead is occupied as a home by an owner of the home or an owner's family; and
- From \$105,000 to \$350,000 if the homestead is occupied as a home by an owner who is elderly or disabled, an owner's spouse who is elderly or disabled, or an owner's dependent who is elderly or disabled.

Section 3 expands the meaning of "homestead" to expressly include a "dwelling", and section 4 defines a dwelling as conventional housing and personal property that is actually used as a residence, including any vehicle, trailer, vessel, camper coach, mounted equipment, railway car, shipping or cargo container, shed, yurt, or tiny home.

Under current law, the proceeds from a homestead exemption or, if a homestead property is sold by the owner, the proceeds from the sale are exempt from execution or attachment for a period of 2 years if the person entitled to the exemption keeps the exempted proceeds separate and apart from other money. Section 5 expands this period to 3 years and extends the exemption to apply to proceeds from insurance covering destruction of homestead property, which proceeds are held for use in restoring or replacing the homestead property.

Section 6 increases the maximum amounts of existing exemptions from levy and sale under a writ of attachment or execution for certain types of property and creates new exemptions for:

- Firearms and hunting and fishing equipment;
- Economic impact payments;
- Health savings accounts; and
- Money placed into a life expectancy set-aside account or similar reserve fund, escrow, or impound account, which money is derived from reverse mortgage proceeds that are designated for specific uses.

Section 6 also recreates and decreases an exemption for money in depository accounts.

Sections 6, 7, and 8 remove a requirement that a person must deposit child support payments in an account designated for the child and, with regard to child support payments and unemployment benefits, not commingle funds in order to claim an exemption for child support payments or an exemption for unemployment benefits.

APPROVED by Governor April 7, 2022

EFFECTIVE April 7, 2022

S.B. 22-157 Consumer protection - investigations - when regulators' records may be shared with district attorney or attorney general. The act authorizes a district attorney or a deputy

or assistant district attorney (district attorney), in investigating a complaint alleging a violation of consumer protection laws, to request records from a state or local licensing authority (licensing authority) regarding a person that the licensing authority regulates (regulated person) and that is the subject of the complaint if the complaint alleges:

- The complainant suffered damages in an amount of at least \$20,000 and the district attorney determines the amount alleged appears to be reasonable in relation to the alleged conduct forming the basis of the complaint; or
- 2 or more regulated persons jointly engaged in conduct that forms the basis of the complaint.

The act only applies to those state licensing authorities that authorize a licensee to perform activities at specific premises. A district attorney's authority to request records from a licensing authority does not apply with respect to a complaint alleged against a person regulated by a board or commission.

The licensing authority shall share with, and allow inspection of its records by, the district attorney upon receipt of such request if the licensing authority has already determined not to take action against the regulated person or persons.

Additionally, the act authorizes a state licensing authority, subject to approval by the head of the executive department in which the state licensing authority is located, to enter into an interagency agreement with the attorney general or the attorney general's designee for the referral of complaints alleging violations of consumer protection laws.

A regulated person is entitled to costs and reasonable attorney fees incurred and actual damages sustained in relation to the district attorney's or attorney general's investigation and in relation to a licensing authority's investigation in a related matter if a court determines that the complaint that led to the district attorney's or attorney general's investigation is frivolous, groundless, and was filed in bad faith or if the regulated person prevails or substantially prevails in the matter.

APPROVED by Governor May 6, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-228 Retail establishments - Unites States currency - exceptions - enforcement. Colorado law requires retail establishments to accept United States currency. One of the exceptions to the requirement is for security deposits. The act:

- Exempts from the requirement to accept United States currency a retail establishment in which the primary method of selling goods or services is through an automatic renewal contract; and
- Defines "retail establishment" and "security deposit" for purposes of these exceptions.

The attorney general is authorized to bring a civil and criminal action to enforce the

provision.

APPROVED by Governor June 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1031 Consumer protection - deceptive trade practice - powered wheelchair right to repair - manufacturer must provide resources to facilitate owner or third party repairs. Usually, an owner of a powered wheelchair must seek diagnostic, maintenance, or repair services of the wheelchair from the manufacturer.

Starting January 1, 2023, the act requires a manufacturer to provide parts, embedded software, firmware, tools, or documentation, such as diagnostic, maintenance, or repair manuals, diagrams, or similar information, to independent repair providers and owners of the manufacturer's powered wheelchairs to allow an independent repair provider or owner to conduct diagnostic, maintenance, or repair services on the owner's powered wheelchair. A manufacturer's failure to comply with the requirement is a deceptive trade practice. In complying with the requirement to provide these resources, a manufacturer need not divulge any trade secrets to independent repair providers and owners.

Any new contractual provision or other arrangement that a manufacturer enters into on or after January 1, 2023, that would remove or limit the manufacturer's obligation to provide these resources to independent repair providers and owners is void and unenforceable. A manufacturer is not liable for faulty or otherwise improper repairs that an independent repair provider or owner performs on a powered wheelchair.

APPROVED by Governor June 2, 2022

EFFECTIVE January 1, 2023

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1071 Colorado consumer protection act - class actions - recoverable relief. The act states that in a class action under the "Colorado Consumer Protection Act", a successful plaintiff may recover actual damages, injunctive relief allowed by law, and reasonable attorney fees and costs.

APPROVED by Governor March 21, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1099 Online marketplaces - high-volume third-party sellers - mandatory disclosures - deceptive trade practice. The act requires an online marketplace (marketplace) to require each high-volume third-party seller (seller) selling through its marketplace to disclose to the marketplace, and the marketplace to verify:

- The seller's bank account number;

- The seller's contact information; and
- The seller's business tax identification number or individual taxpayer identification number.

A marketplace must suspend any future sales activity of a seller that does not provide the information.

The marketplace also must require a seller with an aggregate total of \$20,000 or more in annual gross revenues on the marketplace to disclose to the consumer the identity of the seller, including:

- The full name of the seller;
- The physical address of the seller;
- Whether the high-volume third-party seller used a different seller to supply the consumer product to the consumer upon purchase; and
- If requested by the purchaser, information relating to any seller that supplied the consumer product to the purchaser when the seller is different than the high-volume third-party seller listed on the product listing prior to purchase.

The marketplace must disclose to consumers a reporting mechanism for consumers to report suspicious marketplace activity.

A violation of the disclosure requirements is a deceptive trade practice.

APPROVED by Governor March 17, 2022

EFFECTIVE January 1, 2023

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1253 Rental motor vehicles - adaptive equipment required upon request - civil remedies. The act provides a lessee, including a person with a disability, the right to request adaptive equipment in rental motor vehicles. The act also:

- Requires lessors of motor vehicles to provide lessees the option to request the a motor vehicle with adaptive equipment during online or in-person reservations;
- Requires lessors of motor vehicles to display certain information in any reservation or reservation confirmation that includes a request for a motor vehicle with adaptive equipment;
- Requires lessors of motor vehicles to fulfill reservations made by lessees for motor vehicles with adaptive equipment within a set period of time depending on where a lessee requests the delivery of the motor vehicle; and
- Provides civil remedies for lessees who are subject to a violation of the requirements of the act that occurs on or after July 1, 2025, or, if the violator is a small business, on or after July 1, 2026.

APPROVED by Governor June 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

H.B. 22-1359 Colorado household financial recovery pilot program - community development financial institutions - small loan program - reporting - appropriation. The act requires the state treasurer to establish the Colorado household financial recovery pilot program (program) in the department of the treasury to partner with financial institutions to incentivize lending to low-income individuals and households, including households impacted by the COVID-19 pandemic or its negative economic impacts.

Money available for the program must be used for one or more of the following purposes:

- To establish a loan loss reserve to partially offset risk to lenders in making loans to individuals and households impacted by the COVID-19 pandemic;
- To make payments to lenders to buy down interest rates on loans made to individuals and households impacted by the COVID-19 pandemic;
- To provide lending capital for affordable, small loans to individuals and households impacted by the COVID-19 pandemic; or
- To award grants to nonprofit community-based organizations to conduct marketing and outreach to individuals and households impacted by the COVID-19 pandemic who may be eligible to participate in the program.

The state treasurer may select one or more community development financial institutions to administer all or a portion of the money available for the program. The administrator or administrators are selected based, in part, on their proposed use of the money, their ability to partner with nonprofit community-based organizations that work with individuals and households impacted by the COVID-19 pandemic, and to connect borrowers to affordable banking products and other financial services. The act specifies program policies, including loan terms, and requires the state treasurer and administrators to establish and publicize additional program policies as necessary.

The state treasurer or an administrator may establish a loan loss reserve to partially offset loan losses and thereby incentivize lending by financial institutions to individuals and households impacted by the COVID-19 pandemic. The state treasurer shall determine the amount of the offset and shall establish and publicize policies for participating financial institutions.

On or before November 1, 2023, and on or before November 1 each year thereafter, the selected administrators shall report to the governor and to house of representatives business affairs and labor committee and the senate business, labor, and technology committee, or any success committees, concerning the use of program money and other information concerning the program.

The act creates the Colorado household financial recovery pilot program fund (fund) and identifies allowable uses of the money in the fund.

\$5,200,000 is appropriated from the general fund to the fund to implement the pilot program. From this appropriation, \$59,142 is reappropriated to the department of law for legal services for the department of the treasury. The appropriation is based on the

assumption that the department of law will require an additional 0.3 FTE.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

H.B. 22-1410 Financial services - supervised lenders - employees working remotely - debt-management services providers - background checks for agents. The act permits and specifies the conditions for employees of supervised lenders to work from remote locations.

Additionally, the act repeals the requirement that an applicant for registration as a debt-management services provider include with the application the results of a state and national criminal history record check for any agent of the applicant.

APPROVED by Governor June 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

CORPORATIONS AND ASSOCIATIONS

S.B. 22-34 Business filings - secretary of state - inaccurate filings - procedures to address - unfair or deceptive trade practice. Under the law, a business entity submits filing documents that concern the creation, organization, and operations of an entity to the secretary of state through an online filing system. By submitting a document, an individual affirms under penalty of perjury that the individual is authorized to file the document, the facts in the document are true, and the document otherwise complies with the secretary of state's filing requirements. The secretary of state saves the document in an online database as a ministerial act and does not independently verify whether the document is accurate.

The act creates a complaint process for a person whose business identity or personal identifying information has been used in the filing of these documents with the secretary of state without authority or for fraudulent activity. If a complaint is submitted with the secretary of state, the secretary must forward the complaint to the attorney general for further investigation. The attorney general may investigate the complaint and refer the complaint to an administrative law judge.

If an administrative law judge determines that an entity has been created fraudulently or without authorization, the secretary of state is required to:

- Mark the business record with a notice that the entity is fraudulent or unauthorized;
- Redact each address that was used without authorization from the entity's filing and from any other relevant filings; and
- Disable additional filing functionality on the entity's records.

If an administrative law judge determines that an unauthorized filing was made for a legitimate entity, the secretary of state is required to:

- Mark each unauthorized filing for the entity to notify the public that the filing is unauthorized;
- Redact from the entity's filing and from the relevant filings each address and name that was used without authorization; and
- Mark the business record on the entity's filing to notify the public that the entity has been the victim of fraudulent or unauthorized acts.

If a person alleged to have committed fraud or unauthorized acts fails to respond to the complaint, the allegations are deemed conceded, and the secretary of state is directed to take the appropriate steps listed above in the same manner as if the finding had been made by an administrative law judge.

The act creates a working group to study measures to counteract and prevent fraudulent filings in the online business filing system. The working group has 11 persons who represent the affected state agencies, businesses, and the Colorado bar association. The working group is directed to submit a report to the general assembly by January 31, 2023, containing potential legislative provisions to counteract and prevent fraudulent filings, as well as the costs and benefits associated with each potential legislative provision. The report may include specific recommendations to the general assembly.

Fraudulent filings are made an unfair or deceptive trade practice under the "Colorado Consumer Protection Act" and as such are subject to enforcement by the attorney general's office.

APPROVED by Governor June 2, 2022

EFFECTIVE February 1, 2023

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-45 Public benefit corporations - voting requirements for conversion - appraisal rights - director conflict of interest - actions to enforce director requirements. The act modifies the "Public Benefit Corporation Act of Colorado" as follows:

- Eliminates the requirement for approval of two-thirds of the outstanding shares to convert an existing corporation to a public benefit corporation (PBC) or an existing PBC into a non-PBC, thereby defaulting to the majority vote requirement applicable to other corporate conversions;
- Eliminates the application of appraisal rights for shareholders objecting to the conversion of a non-PBC to a PBC;
- Clarifies that a director's ownership of stock in a PBC does not inherently create a conflict of interest and specifies that, absent a conflict of interest, a director does not act in bad faith and does not breach a duty of loyalty if the director, in directing the business of the PBC, fails to satisfy a requirement to balance shareholder pecuniary interests, the best interests of those materially affected by the action, and the specific public benefit of the PBC; and
- Clarifies the requirements for actions to enforce the requirements imposed on directors to balance the interests of shareholders, those materially affected by the corporate action, and the public benefit of the PBC.

APPROVED by Governor March 17, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1250 Colorado Corporations and Associations Act - Colorado Business Corporation Act - nonsubstantive statutory changes. The act makes technical changes to the "Colorado Corporations and Associations Act" and the "Colorado Business Corporation Act" as follows:

- Changes references to "owners' interest" to "owner's interest";
- Repeals a provision exempting certain domestic entities from a provision allowing reinstatement of an entity after an administrative dissolution upon compliance with certain conditions; and
- Makes clarifying changes to the provision requiring notification of ratification of defective corporate actions to holders of valid and putative shares.

APPROVED by Governor April 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1356 Department of local affairs - division of local government - small community-based nonprofit infrastructure grant program - creation - appropriation. The small community-based nonprofit infrastructure grant program (grant program) is created in the division of local government in the department of local affairs (division) to provide grants to small community-based nonprofit organizations that have been impacted or disproportionately impacted by the COVID-19 public health emergency for infrastructure and capacity building. The division is required to administer the grant program and to contract with no more than 10 nonprofit organizations with specified qualifications (regional access partners) to award and monitor the grants.

To be eligible to receive a grant through the grant program, an organization must be one of the following:

- A small community-based nonprofit organization that operates under section 501 (c)(3) of the federal internal revenue code;
- A small community-based nonprofit organization that does not operate under section 501 (c)(3) of the federal internal revenue code and that works with a fiscal agent; or
- A collaboration of multiple small community-based groups that are not nonprofit organizations and that work with a fiscal sponsor.

Each small community-based nonprofit organization or each of the small community-based groups that apply for a grant collaboratively is required to satisfy specified criteria to be considered an eligible recipient for a grant through the grant program. Grant recipients may use grant program money for infrastructure and capacity building purposes, including data technology needs, professional development for staff and board members, strategic planning and organizational development for capacity building and fundraising, communications, and existing program expansion, development, or evaluation. Grant recipients may not use grant money for capital improvements, real estate or land acquisition, payment of debt, advocacy or lobbying, organizing, endowments, or reserves.

To receive a grant, an applicant must submit an application to a regional access partner in accordance with policies and procedures developed by the division. The regional access partner is required to award grants and ensure that:

- The maximum grant award does not exceed \$100,000; and
- A grant award does not exceed 30% of the recipient's annual operating budget.

The act appropriates \$35 million from the economic recovery and relief cash fund to the division for the purposes of the grant program. The regional access partners are required to award the grants for the purposes of the grant program on or before December 30, 2024, and recipients of the grants are required to expend all grant money by December 30, 2026. The division and any person that receives money from the division, including a regional access partner, is required to comply with the compliance, reporting, record-keeping, and program evaluation requirements established by the office of state planning and budgeting and the state controller.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

CORRECTIONS

S.B. 22-50 Correctional industries - inmate employment and compensation. The act clarifies the opportunities available to inmates imprisoned by the department of corrections (department). The act clarifies that the rehabilitation and work opportunities available to inmates are to promote the person's successful rehabilitation, reentry, and reintegration into the community. The act clarifies a distinction between external programs, which occur in partnership with employers outside of department facilities, and internal programs, which occur inside a department facility and may be in partnership with employers outside of department facilities. The act amends inmate compensation and permissible deductions from an inmate's account.

APPROVED by Governor March 30, 2022

EFFECTIVE March 30, 2022

H.B. 22-1208 Jail inmate report - continuation - appropriation. Under existing law, the keeper of a jail is required to submit a quarterly report of inmate information to the division of criminal justice within the department of public safety (division), and the division is required to publish that information in a searchable and sortable format.

That requirement is set to repeal on January 31, 2023. The act strikes the repeal. The act requires the inmate information collected to include each inmate's age.

For the 2022-23 state fiscal year, the act appropriates \$4,918 from the general fund and authorizes 0.1 FTE to the department of public safety for use by the division of criminal justice for administrative services.

APPROVED by Governor April 25, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1368 Colorado commission on criminal and juvenile justice - community corrections for misdemeanors - task force - report. The act requires the Colorado commission on criminal and juvenile justice (commission) to establish a task force to examine and make findings and recommendations to the commission concerning improving access to community corrections programs for persons convicted of misdemeanors. On or before July 1, 2023, the task force is required to create a report of its findings and submit it to the commission.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

COURTS

S.B. 22-18 Court reminder program - court reminder working group - appropriation. Under existing law, the court reminder program (program) provides reminders to criminal defendants and juveniles who have been alleged to have committed a delinquent act (collectively, "defendants") to appear at each of their scheduled court appearances.

The act requires every defendant to be automatically enrolled in the program and allows a defendant to opt out of the program. The act clarifies that defendants alleged to have committed traffic offenses are enrolled in the program. The program must use the best contact information available to the courts and provide at least 3 reminders, including one reminder the day before the court appearance. For court appearances that can be attended virtually, the final reminder must include a link to the virtual court appearance. The program must send reminders by text message, but may use another method if a defendant is unable to receive text messages.

The program is required to track the number of defendants that opt out of the program and to implement or recommend changes to improve participation. The judicial department is required to report information regarding reminders sent by methods other than text message.

The act requires the state court administrator to convene a working group to study best practices in court reminders, assess the effectiveness of the program, and recommend appropriate changes to the program to the state court administrator. In its annual State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act hearing, the judicial department is required to present the recommendations made by the working group, whether the recommendations were implemented, and the rationale for implementing or rejecting any recommendation.

Because defendants are automatically enrolled in the program, the act repeals provisions related to notifying defendants of the opportunity to enroll in the program.

The act appropriates \$74,713 to the judicial department from the general fund to implement the act.

APPROVED by Governor May 19, 2022 **PORTIONS EFFECTIVE** July 15, 2022
PORTIONS EFFECTIVE October 15, 2022

S.B. 22-19 Forcible entry and detainer - access to suppressed court records. The act permits an attorney to access a suppressed court record related to an eviction proceeding, with permission of a party included in the record, for the purpose of:

- Providing legal advice to, or evaluating whether to enter an appearance on behalf of, the party included in the record; or
- Evaluating whether the matter is suitable for mediation or in preparation for a mediation between the parties included in the court record.

APPROVED by Governor March 15, 2022 **EFFECTIVE** August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

S.B. 22-103 Improperly entered guilty pleas relief. The act finds that some criminal defendants were not effectively advised of immigration consequences to a guilty plea, and therefore, these defendants did not knowingly, intelligently, and voluntarily enter a guilty plea. The act authorizes these persons to petition the court for an order vacating the guilty plea.

APPROVED by Governor April 18, 2022

EFFECTIVE April 18, 2022

S.B. 22-115 Premise liability - foreseeability - terms related to landowner liability. The act clarifies the meaning of terms related to landowner liability and declares that the Colorado court of appeals and supreme court decisions in *Rocky Mountain Planned Parenthood, Inc. v. Wagner* should not be relied upon to the extent that those decisions determined:

- The foreseeability of third-party criminal conduct based upon whether the goods or services offered by a landowner are controversial; and
- That a landowner could be held liable as a substantial factor in causing harm without considering whether a third-party criminal act was the predominant cause of that harm.

APPROVED by Governor April 7, 2022

EFFECTIVE April 7, 2022

S.B. 22-188 Prosecutors - public defenders - behavioral health support - testimonial privilege - appropriation. The act creates the public defender and prosecutor behavioral health support program (program) in the department of local affairs (department). The department allocates fifty percent of program money and any gifts, grants, and donations received to the office of the state public defender and the remaining fifty percent to the Colorado district attorneys' council (CDAC). CDAC administers a grant program to award grants to individual district attorney's offices. A grant recipient and the office of the state public defender may use program money for counseling services, including reimbursements for the costs of counseling services; training and education programs that teach the symptoms of job-related trauma and how to prevent and treat trauma; and peer support programs. The office of the state public defender and CDAC are annually required to report to the House and Senate judiciary committees about the grant program.

The act prohibits a district attorney or public defender peer support team member from being examined as a witness in court about any communication between the peer support team member and a person receiving peer support services without the consent of the person who received the peer support services.

The act appropriates \$500,000 from the general fund for the public defender and prosecutor behavioral health support program.

APPROVED by Governor May 20, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

S.B. 22-201 Commission on judicial discipline - office - executive director - immunity - information sharing - duties - cash fund - duties of supreme court - legislative interim committee - definitions - appropriations. A commission on judicial discipline (commission) is established in current law pursuant to section 23 (3) of article VI of the state constitution. The act implements the commission by:

- Specifying the duties of the commission;
- Establishing and specifying the duties of an office of judicial discipline (office) as an independent office within the judicial department;
- Authorizing the commission to appoint an executive director of the office and specifying the duties of the executive director;
- Authorizing the commission to appoint and determine the duties of special counsel, which may include representing the people in formal proceedings;
- Establishing immunity for commissioners;
- Requiring the attorney general to provide legal services to the commission and office;
- Specifying when information should be shared among offices within the judicial department responsible for reviewing actions of current and potential judges and justices;
- Specifying duties of personnel within the judicial department when they become aware of potential issues of judicial discipline; and
- Establishing a special cash fund and specifying sources of money for the fund and uses of the money in the fund.

For rules, guidelines, and procedures relating to judicial discipline adopted by the supreme court, the act requires the supreme court to:

- Provide the commission with notice and an opportunity to object and, if the commission objects, to engage with the commission in good-faith efforts to resolve differences; and
- Post notice of each rule, guideline, or procedure and allow for public comment, including an opportunity for the public to address the supreme court.

The act creates the legislative interim committee on judicial discipline to study Colorado's system of judicial discipline and make recommendations for necessary changes to that system.

The act appropriates:

- \$1,143,438 from the general fund to the commission to implement the act;
- \$88,713 to the department of law from reappropriated funds from the commission; and
- \$53,463 from the general fund to the legislative department for expenses of the interim committee.

APPROVED by Governor May 20, 2022

EFFECTIVE May 20, 2022

H.B. 22-1032 Jury duty postponement - students of higher education. The act allows a Colorado resident who is a student enrolled in an institution of higher education outside the state of Colorado the right to postpone jury duty for not more than 12 months.

APPROVED by Governor April 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1067 Bond hearings - defendant on municipal hold - district attorney assistance for bond hearings grant program - appropriations. Under current law, when a defendant is detained in jail on a municipal hold, the defendant must receive a hearing before the municipal court within 2 calendar days, excluding Sundays and federal holidays. Beginning January 1, 2023, the act requires the hearing to be held within 48 hours after the municipal court receives notice that the defendant is being held solely on a municipal hold.

The act makes clarifying changes to the district attorney assistance for bond hearings grant program and repeals the district attorney assistance for bond hearings cash fund.

The act decreases the 2022 long bill appropriation to the district attorney assistance for bond hearing cash fund by \$600,000 and appropriates in the 2022 long bill \$600,000 to the department of law for district attorney bond hearing grants. The act repeals the 2021 \$150,000 appropriation to the district attorney assistance for bond hearing cash fund and appropriates for the 2021-22 fiscal year \$150,000 to the department of law for district attorney bond hearing grants.

APPROVED by Governor May 27, 2022

PORTIONS EFFECTIVE May 27, 2022
PORTIONS EFFECTIVE January 1, 2023

H.B. 22-1091 Supreme court opinions - court of appeals opinions - online publishing. The act requires the judicial department to publish opinions of the Colorado supreme court and the Colorado court of appeals online on or before March 1, 2024, but no earlier than July 1, 2023. The opinions must be published online in a searchable format and be available free of charge. Colorado supreme court and court of appeals opinions that are not published pursuant to state law or court rules are exempt from the online publishing requirement. The judicial department and the general assembly must each include a link to the opinions web page in a conspicuous place on their websites.

The act appropriates \$100,000 to the judicial department for information technology infrastructure.

APPROVED by Governor May 20, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1237 County courts - classifications - associate county court judges residency. For county court organizational and administrative purposes, the act changes the classifications

of Garfield and Montezuma counties from Class C to Class B.

For Garfield county, the act amends the requirement that the associate county court judge in Rifle must maintain an official residence in Rifle and instead requires an official residence anywhere in Garfield county.

For Rio Blanco county, the act amends the requirement that the associate county court judge in Rangley must maintain an official residence in Rangley and instead requires an official residence anywhere in Rio Blanco county.

APPROVED by Governor April 21, 2022

EFFECTIVE April 21, 2022

H.B. 22-1272 Attorney fees - tort actions - motions to dismiss. Under current law, a defendant may be awarded reasonable attorney fees in tort actions if a case is dismissed on a motion of the defendant prior to trial. The act states that a defendant may not be awarded reasonable attorney fees in cases dismissed prior to trial in which the plaintiff brought non-frivolous claims in order to challenge precedent or for a similar reason.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

CRIMINAL LAW AND PROCEDURE

S.B. 22-9 Theft of catalytic converters - enforcement as commodity metals theft - enforcement as chop shop activity. Current law requires every owner, keeper, or proprietor of a junk shop, junk store, salvage yard, or junk cart or other vehicle and every collector of or dealer in junk, salvage, or other secondhand property to keep a book or register detailing all transactions involving commodity metals and to comply with certain other requirements concerning transactions involving commodity metals. Current law also establishes the commodity metals theft task force (task force) and charges the task force with certain duties to address the theft of commodity metals. The act extends the scope of the current laws addressing commodity metal theft to include theft of catalytic converters. The act also expands the scope of the duties of the task force to include consideration of catalytic converter theft.

For the purposes of the existing criminal statute prohibiting the operation of motor vehicle chop shops, the act adds catalytic converters to the definition of "major component motor vehicle part".

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

S.B. 22-10 Pretrial diversion programs - individuals with behavioral health disorders. The act expands the existing pretrial diversion program to include diversion programs that are intended to identify eligible individuals with behavioral health disorders and divert such individuals out of the criminal justice system and into community treatment programs. This expansion replaces the alternative pilot programs to divert individuals with mental health conditions that are set to repeal July 1, 2022.

APPROVED by Governor May 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-21 Criminal and juvenile justice systems - persons with behavioral health disorders - legislative oversight committee and task force - appropriation. The act updates provisions of the existing article 1.9 of title 18, Colorado Revised Statutes, concerning the treatment of persons with mental health disorders in the criminal and juvenile justice systems.

Substantive changes include:

- Broadening the name and scope of the legislative oversight committee (committee) and associated task force (task force) from concerning the treatment of "persons with mental health disorders" to "persons with behavioral health disorders";
- Allowing the task force to research topics for members of the committee upon request;
- Adjusting task force membership and creating term limits for task force

- members;
- Further defining issues for the task force to study; and
- Extending the repeal date to July 1, 2027.

The act appropriates \$108,131 to the legislative department from the general fund to implement the provisions of the act.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

S.B. 22-24 Intimidating a witness - a person who may have relevant information - a person who can exert pressure on witness - pressure witness to provide false information. The act expands the ways that intimidating a witness may be committed by stating that the threat or act that constitutes intimidation can be directed at a person the perpetrator believes may have information relevant to a criminal investigation or a person the perpetrator believes may be able to exert influence upon a witness or victim.

The act also adds that the crime of intimidating a witness can be committed by intentionally attempting to influence, or actually influencing, a witness, victim, or any other person with knowledge of relevant information to withhold information from, or provide false information to, law enforcement, a defense attorney, or defense investigator.

APPROVED by Governor March 17, 2022

EFFECTIVE July 1, 2022

S.B. 22-43 Restitution - office of restitution services - allowable restitution expenses - appropriation. The act provides a list of allowable restitution expenses if proximately caused by a crime for which restitution must be paid, which list includes travel expenses to certain court proceedings. The court is required to review the travel expenses to ensure the travel expenses are reasonable. If the court finds the travel expenses are unreasonable, the court may reduce the amount of recoverable travel expenses to a reasonable amount.

The act requires the department of corrections to intercept government windfall payments (payments) before the payments are deposited in an inmate's bank account and send funds to the judicial department (department) in an amount equal to any amount owed by the inmate. The department is required to disburse funds pursuant to the order of crediting payments in criminal proceedings. The department of corrections is required to disperse any remaining funds in accordance with restitution for inmates sentenced to the department of corrections. If any funds remain after the inmate's outstanding obligations are fulfilled, the excess funds must be placed in the inmate's bank account.

The act establishes the office of restitution services (office) in the department. The purpose of the office is to assist victims who are owed court-ordered restitution. The office is required to receive requests from victims requesting semiannual statements detailing restitution payments the defendant has made to the victim and the disbursements the court has made to the victim. The statement must include the outstanding amount of court-ordered restitution owed to the victim. The office is also required to assist with training related to the administration of the restitution system, enhance communications for postsentence restitution, and collaborate with victim advocacy programs.

The act appropriates \$129,359 from the judicial collection enhancement fund to the department to establish the office.

APPROVED by Governor May 27, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-49 Victim rights - hearings - subpoenas - procedure. The act updates the "Victim Rights Act" (act). The purpose of the act is to ensure all victims of crimes are protected by law enforcement agencies, prosecutors, and judges.

The act updates include:

- Allowing a victim or the victim's designees to appear in court proceedings in person, by phone, or virtually by audio or video, or similar technology;
- Establishing for victims the right to receive a free copy of the initial incident report from the investigating law enforcement agency that includes, at a minimum, the victim's name, the offender's name, the date of the crime, the charges, and a summary of the incident. The investigating law enforcement agency is required to notify the district attorney of the information the victim received in the incident report and when it was provided to the victim. The district attorney is required to provide this information to any defendant involved in the case through the discovery process.
- Requiring defendants to attend sentencing hearings in person, by phone, or virtually by audio or video, or similar technology, to hear the victim's impact statement, unless the court excludes the defendant;
- Clarifying that the prosecutor shall explain the defendant's sentencing terms to the victim;
- Requiring the court to provide the victim or the victim's designee with translation or interpretation services as needed during all critical stages of the hearing;
- Requiring a court to order a bond hearing in any case that falls under the act;
- Clarifying that a designee or designees may represent the interests of a victim who is deceased or incapacitated;
- Clarifying that a party issuing a subpoena pursuant to Rule 17 of the Colorado rules of criminal procedure for the production of a victim's privileged records or a subpoena requesting a victim's compensation records shall file specific information with the court and serve that information to any opposing party; and
- Clarifying that the court shall quash any subpoena and not receive any records protected by privilege, unless the court finds, based on evidence, that the victim expressly or impliedly waived the statutory privilege. The act outlines when the court shall determine whether to receive and release any records relating to the victim.

APPROVED by Governor May 6, 2022

EFFECTIVE May 6, 2022

S.B. 22-171 Privacy - protected persons - educators. The act adds educators to the list of protected persons whose personal information may be withheld from the internet if the protected person believes dissemination of such information poses an imminent and serious threat to the protected person or the safety of the protected person's immediate family.

Under current law, the "Colorado Open Records Act" (CORA) definition of "personnel file" does not include the specific date of an educator's absence from work. The act amends the CORA definition of "personnel file" to include the specific date of an educator's absence from work.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

H.B. 22-1041 Protected persons - withholding personal information from the internet. The act adds child representatives, code enforcement officers, health-care workers, an officer or agent of the state bureau of animal protection, an animal control officer, and office of the respondent parents' counsel staff members and contractors to the list of protected persons whose personal information may be withheld from the internet if the protected person believes dissemination of such information poses an imminent and serious threat to the protected person or the safety of the protected person's immediate family.

The act adds a protected person's full name and home address to the list of personal information that the protected person's written request for removal must include.

The act authorizes access to records maintained by a county recorder, county assessor, or county treasurer for certain individuals if such access is related to a real estate matter.

APPROVED by Governor March 24, 2022

EFFECTIVE March 24, 2022

H.B. 22-1061 Not guilty by reason of insanity - initial release hearing - release examination - report - appropriation. If the trier of fact finds a defendant not guilty by reason of insanity (NGRI) for a crime that is not a class 1 or class 2 felony, resulted in another person suffering serious bodily injury or death, involved the defendant using a deadly weapon, or involved felony unlawful sexual behavior, the act authorizes the court, at the request of the defendant, to allow the defendant to remain at liberty or set a hearing to modify the bond and delay final disposition, delay formal entry of the finding of NGRI, and stay the commitment of the defendant to the custody of the department of human services (state department) until the conclusion of the initial release hearing. If the defendant is on bond, the act requires the court to order the state department to conduct a release examination on an outpatient basis.

Upon an initial commitment following a finding of NGRI, or upon delaying the final entry of the finding of NGRI, the act requires the court to schedule an initial release hearing no later than 120 days after the initial commitment. The act requires the court to conduct the initial release hearing. The act requires the court to order the state department to complete a release examination no later than 30 days prior to the initial release hearing. The act authorizes the court to continue the hearing beyond 120 days upon a finding of good cause or if necessary to conduct a second evaluation of the defendant.

Beginning September 1, 2022, the act requires the chief officer of the institution at

which the defendant is committed to annually submit a release examination report to the court certifying whether the defendant continues to meet the criteria for ongoing inpatient hospitalization or meets the applicable test for release. The act describes what must be included in the release examination report.

The act appropriates \$868,271 to the state department from the general fund for use by the office of behavioral health.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1088 Motor vehicle investigators and criminal tax enforcement special agents - P.O.S.T. certification required - special legislation not required. The act specifies that motor vehicle investigators and criminal tax enforcement special agents are peace officers and must be certified by the peace officers standards and training (P.O.S.T.) board.

Under current law, a group seeking peace officer status for a specific position prepares a proposal for the P.O.S.T. board's review, and, after performing an analysis and hearing, the P.O.S.T. board submits a report to the group seeking peace officer status and to the judiciary committees of the house of representatives and the senate. The group seeking peace officer status may request legislation during each of the 2 regular legislative sessions that immediately succeed the date of its proposal without having to comply again with certain procedural requirements.

The act exempts the department of revenue from the requirement to present legislation seeking peace officer status for motor vehicle investigators and criminal tax enforcement special agents within the 2 regular legislative sessions that immediately succeed the date of its proposal without having to comply again with certain procedural requirements.

APPROVED by Governor March 30, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1169 Sexual assault - victim does not provide consent. Under current law, sexual assault can be committed by means of sexual intrusion or penetration when the actor causes submission of the victim by means sufficient to cause submission against the victim's will. The act changes that element to when the actor causes sexual intrusion or sexual penetration knowing the victim does not consent.

APPROVED by Governor March 24, 2022

EFFECTIVE July 1, 2022

H.B. 22-1210 Domestic violence offender management board - sunset date - compliance reviews - data collection plan - annual report - appropriation. The act implements the

recommendation of the department of regulatory agencies' sunset review and report concerning the domestic violence offender management board (board). The act extends the board until September 1, 2027. The act requires the board to conduct compliance reviews on at least 10% of the treatment providers who provide services to domestic violence offenders every 2 years beginning no later than July 1, 2023. The act conforms the fingerprint-based background check process for treatment providers to current law and practice.

The act requires the board to develop a data collection plan and requires providers to begin data collection pursuant to the plan by January 1, 2023. The act requires the board to produce an annual report that includes:

- The number of people who received domestic violence offender treatment in the preceding year, the number of those who successfully completed the treatment, the number of those who did not complete the treatment, and the number of those who reoffended and were removed from treatment;
- The number of treatment providers who provided domestic violence offender treatment in the preceding year;
- The number of treatment providers who applied to be placed on the list of approved treatment providers and the number of treatment providers placed on the list;
- The best practices for the treatment and management of domestic violence; and
- Any other relevant information, including any board recommendations for legislation to carry out the purpose and duties of the board to protect the community.

The act appropriates \$70,232 from the general fund to the department of public safety for use by the division of criminal justice to implement the act.

APPROVED by Governor June 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1217 Catalytic converters - secondhand sales compliance - inspection compliance - catalytic converter identification and theft prevention grant program - appropriations. The act requires the Colorado state patrol to develop an assessment report to identify the level of compliance by dealers, owners, keepers, or proprietors of a junk shop, junk store, salvage yard, or other secondhand property (applicable facility) with commodity metal transaction reporting requirements. The assessment report must encourage voluntary compliance and education concerning commodity metal transaction reporting requirements. The act requires applicable facilities to complete and submit the assessment report to the Colorado state patrol, and the state patrol is required to produce a summary of the reports received.

The act requires the state patrol to develop an inspection form for authorities to use when inspecting applicable facilities for compliance with commodity metal transaction reporting requirements. Upon completion of the inspection form, the agency completing the inspection shall send the form to the state patrol within 2 weeks of completing the

inspection. The state patrol has to provide a summary of all the statewide inspections to the commodity metal task force. The task force shall consider the report at a public meeting.

The act creates the catalytic converter identification and theft prevention grant program to award grants to eligible recipients for public awareness campaigns regarding catalytic converter theft, catalytic converter theft prevention parts, assistance to victims of catalytic converter theft, and catalytic converter identification and tracking efforts.

The act appropriates \$300,000 from the general fund to the department of public safety for use by the Colorado state patrol. The act appropriates \$105,871 from the highway users tax fund to the department of public safety for use by the executive director's office to purchase information technology services.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

NOTE: Section 1 of the act is contingent on whether or not Senate Bill 22-009 becomes law. Senate Bill 22-099 was signed by the governor June 7, 2022.

H.B. 22-1224 Public benefits theft. The act creates specific elements for public benefits theft in the theft statute. A person commits public benefits theft when a person intentionally misrepresents or withholds a material fact for determining eligibility, and does so for the purpose of obtaining or retaining public benefits for which the person is not eligible.

A person's conduct that is limited to the elements of public benefits theft is not subject to prosecution pursuant to any other provision of the theft statute.

APPROVED by Governor April 21, 2022

EFFECTIVE July 1, 2022

H.B. 22-1229 Civil infractions - procedures. During the 2021 session, the general assembly created a civil infraction as penalty for violations of the law that do not rise to criminal conduct and included procedures for civil infractions. The act repeals those provisions and replaces them with new procedures for handling civil infractions. The act makes conforming amendments related to civil infractions. The act makes clean-up changes to other provisions to conform to changes made to criminal sentencing provisions during the 2021 session.

APPROVED by Governor April 7, 2022

PORTIONS EFFECTIVE March 1, 2022*
PORTIONS EFFECTIVE September 1, 2022

***NOTE:** Section 47 of House Bill 22-1229 provides for an effective date of March 1, 2022, for this act; however, the governor did not sign the act until April 7, 2022.

H.B. 22-1257 Criminal law - penalty for practicing profession without authority - purposes of probation - summons for probation violation - responses to probation violations - possession of a weapon by a previous offender - public benefits theft - appropriation. Under current law, it is a class 2 misdemeanor to practice the following professions without an active license, registration, or certification: Professional engineering, architecture, audiology, dentistry, direct-entry midwifery, medicine, physician assistant, anesthesiologist assistant,

professional nursing, nursing home administration, optometry, pharmacy, pharmacy technician, and respiratory therapy. The act makes it a class 6 felony to practice any of these professions intentionally without a license, registration, or certification and fraudulently representing that the person has a license, certification, or registration.

The act states the purposes of probation are to:

- Serve as a sentencing option and a response to crime in order to moderate and deter future criminal behavior and victimization;
- Support persons in behavior change through the coordination and provision of effective and individualized services which may include, but are not limited to, educational, therapeutic, restorative, and skill-building services;
- Hold persons accountable for their behavior through supervision and interventions that promote reparation of harm to the community and victims, which reparation includes, but is not limited to, restitution to victims;
- Serve as a cost-effective option for persons appropriate for community supervision; and
- Honor the statutory and constitutional rights of victims of crime.

The act requires a probation officer to issue a summons when a probationer has allegedly violated a condition of probation or the officer is seeking probation revocation, with some exceptions.

The act requires the state court administrator to develop a system of structured and individualized behavior responses to guide probation officers in determining how best to respond to probation violations.

Under current law, when a parolee has a technical violation of parole, a brief period of confinement in a county jail may be imposed as a sanction. The act allows that confinement to also be served in a department of corrections facility.

The act specifies that for a theft that involves public benefits, the value of the benefits involved for purposes of determining the level of the offense is calculated by the difference between the value of the benefits received and the value of benefits the recipient was eligible for.

Under current law, it is illegal for someone to possess a firearm if the person was convicted of or adjudicated for a victim's right act crime that is a felony. The act adds more felony offenses to the convictions that prohibit a person from possessing a firearm.

Under current law, it is illegal for someone to possess a firearm if the person was previously adjudicated for a victim's right act crime that is a felony offense. The act allows a person in that situation who has good cause for possessing a firearm to petition the court for an order determining that the crime does not apply to the person.

The act appropriates \$53,390 to the judicial department from the general fund and authorizes 0.7 FTE for probation programs.

APPROVED by Governor April 7, 2022

PORTIONS EFFECTIVE April 7, 2022
PORTIONS EFFECTIVE July 1, 2023

H.B. 22-1288 Immunity from charge of prostitution - victim of violent crime. The act grants immunity from the charge of prostitution, soliciting for prostitution, or prostitute making display or an equivalent municipal offense (prostitution offense) to a person who seeks assistance from a law enforcement officer, the 911 system, or a medical provider for a victim or as a victim of a violent crime or offense (crime) if the evidence for the charge of a prostitution offense was obtained as a result of the person seeking assistance or as a result of the need for assistance. A person who receives immunity for a prostitution offense is not immune from prosecution for other offenses, and a district attorney or law enforcement officer may obtain or use evidence obtained from a report, recording, or other statement provided as a result of the initial prostitution offense to prosecute any other offense.

For the purposes of the act, "person" is defined as the victim of a crime, a person who is a victim of human trafficking for sexual servitude, or a witness to a crime. The act sets forth the applicable violent crimes or offenses.

APPROVED by Governor May 2, 2022

EFFECTIVE May 2, 2022

H.B. 22-1326 Synthetic opiates - fentanyl, carfentanil, benzimidazole opiate, analogs - unlawful possession penalties - distribution penalties - distribution resulting in death penalties - sentencing to treatment - appropriations. The act makes the knowing possession of any material, compound, mixture, or preparation that weighs:

- More than one gram and not more than 4 grams and contains any quantity of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, a level 4 drug felony; except if a defendant shows supporting evidence to establish that the defendant made a reasonable mistake of fact and did not know that the controlled substance contained fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, the matter must be submitted to the finder of fact in the form of interrogatory included in the verdict form. If the finder of fact determines the defendant made a reasonable mistake of fact, the defendant commits a level 1 drug misdemeanor.
- Not more than one gram and contains any quantity of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, a level 1 drug misdemeanor; except that a fourth or subsequent offense is a level 4 drug felony.

The act makes the possession of any material, compound, mixture, or preparation that contains a quantity of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof that is more than 60% of the total composition of the material, compound, mixture, or preparation a level 2 drug felony. This offense is effective after required notice is provided by the Colorado bureau of investigation that it has the resources to determine the quantity of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, compared to the total composition of the material, compound, mixture, or preparation.

The act creates an exemption to the unlawful possession of a controlled substance offense for employees, agents, or volunteers of certain agencies who are in possession of the controlled substance, including fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, for the purpose of safe disposal of the controlled substance.

The act makes the unlawful distribution, manufacturing, dispensing, or sale of a material, compound, mixture, or preparation containing fentanyl, carfentanil, benzimidazole opiate, or an analog thereof:

- A level 1 drug felony if it weighs more than 50 grams;
- A level 2 drug felony if it weighs more than 4 grams, but not more than 50 grams; and
- A level 3 drug felony if it weighs not more than 4 grams.

The act makes it a level 1 drug felony if the defendant unlawfully distributed, manufactured, dispensed, or sold a material, compound, mixture, or preparation containing fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, and a person died as a proximate cause of using or consuming it.

The act makes a defendant a special offender, subjecting the defendant to a level 1 drug felony, if the defendant:

- Introduced or imported into Colorado any material, compound, mixture, or preparation that weighs more than 4 grams and contains fentanyl, carfentanil, benzimidazole opiate, or an analog thereof; or
- Unlawfully distributed, manufactured, dispensed, or sold a material, compound, mixture, or preparation containing fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, and the defendant possessed pill or tablet manufacturing equipment with the intent to use the equipment in the manufacture of a controlled substance.

If a person reports an emergency overdose event and complies with related requirements, the act creates immunity from arrest and prosecution for an offense for the unlawful distribution, manufacture, dispensing, or sale of a material, compound, mixture, or preparation containing fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, resulting in the death of a person who died as a proximate cause of using or consuming it, if the material, compound, mixture, or preparation weighs not more than 4 grams and contains any amount of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof.

For certain offenses, the act requires a court to order placement in a residential treatment facility for treatment of an addiction that includes fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, as a condition of probation if recommended pursuant to a substance abuse assessment. Furthermore, for certain offenses, a court is required to order a fentanyl education program, which the act requires the behavioral health administration to develop.

The act expands the list of eligible entities that are eligible for standing orders to receive opiate antagonists.

The act creates immunity from civil liability for certain persons who or entities that act in good faith to furnish a non-laboratory synthetic opiate detection test to another person.

The act requires a jail to provide opiate antagonists to, prescribe medication for an opiate use disorder to, and assist with continued care for, certain persons upon release.

The act requires community corrections programs to assess individuals for substance use withdrawal symptoms and provide medication-assisted treatment.

The act permits the correctional treatment board to direct money in the correctional treatment cash fund for drug overdose prevention, opiate antagonists, and non-laboratory synthetic opiate detection tests.

The act permits a school district board of education, the charter school institute, or governing board of a nonpublic school to adopt and implement a policy to permit a school to acquire and maintain non-laboratory synthetic opiate detection tests and furnish them on school grounds.

The act requires the appropriation of \$19,700,000 from the behavioral and mental health cash fund to the opiate antagonist bulk purchase fund.

The act requires the appropriation of \$600,000 to the department of public health and environment for the purchase and distribution of non-laboratory synthetic opiate detection tests to eligible entities.

The act requires the department of public health and environment to develop and implement a statewide fentanyl prevention and education campaign.

The act expands the types of entities that are eligible for a harm reduction grant and the permissible uses of the grant funds.

The act requires a jail that receives funding through the jail-based behavioral health services program to assess all individuals when booked into the jail and at any time when clinically indicated for substance use withdrawal symptoms, to develop protocols for medication-assisted treatment and withdrawal management care, and to develop, implement, and publish a policy that describes the provision of medication-assisted treatment to individuals upon release.

The act requires each managed service organization to evaluate current supply and necessary demand within its region for certain harm reduction and treatment services and report findings to the general assembly.

If a person successfully completes certain sentence conditions, the act makes the level 4 drug felony offense for knowing possession of any material, compound, mixture, or preparation that weighs more than 1 gram and not more than 4 grams and contains any quantity of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, eligible to be vacated and then entered as a level 1 drug misdemeanor. This is commonly referred to as "the wobbler".

The act makes a person convicted of a level 4 drug felony for the offense of knowing possession of any material, compound, mixture, or preparation that contains any quantity of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof:

- Eligible to file a motion to have conviction records sealed 2 years after the later date of final disposition or release from supervision; and
- Exempt from habitual criminal status.

The act requires the department of public health and environment to contract with an independent entity to conduct a study and publish a report concerning the impact and implementation of the act, which must include data obtained from the judicial department and treatment providers.

The act requires managed service organizations to contract with short-term residential treatment providers for withdrawal management, crisis stabilization, or medication-assisted treatment. Also, managed service organizations are required to provide training to first responders or referring entities concerning available services to be utilized in lieu of arrest and transport to jail, to the greatest extent possible.

The act creates in the division of criminal justice in the department of public safety the synthetic opiate poisoning investigation and distribution interdiction grant program to provide grants to law enforcement agencies for the purpose of investigating deaths caused by synthetic opiate poisoning and disrupting synthetic opiate supplies.

The act requires the department of law to study and report upon the use of the internet, including retail, payment, and social media platforms, for the purpose of trafficking fentanyl, fentanyl analogs or compounds thereof, synthetic opiates, and counterfeit prescription drugs.

The act requires the behavioral health administration to contract with an independent entity to conduct a study and publish a report concerning the health effects of criminal penalties for unlawful possession of any material, compound, mixture, or preparation that contains any quantity of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof.

The act requires jails to provide medication-assisted treatment, and other appropriate withdrawal management care to a person with a substance use disorder through the duration of the person's incarceration, as medically necessary. Furthermore, the behavioral health administration is required to provide technical assistance to the jails in meeting these requirements.

The act permits emergency medical service providers, emergency departments, state and local law enforcement agencies, sheriffs' offices, and coroners to participate in a web-based overdose detection mapping application program to report incidences of fatal and non-fatal drug overdoses and synthetic opiate poisonings. The act prohibits law enforcement from using the data from the program for welfare checks, warrant checks, or criminal investigations.

The act requires the department of public health and environment to convene interested stakeholders for the purpose of developing recommendations for the establishment of an overdose trends review committee and report its recommendations to the joint budget committee and any substance use interim committee existing in 2024. The act requires the overdose trends review committee to be established by September 1, 2024.

The act requires that the medical assistance program reimburse a hospital or emergency department for the cost of an opiate antagonist if dispensed under certain conditions. The department of health care policy and financing is required to seek federal financial participation for the cost of reimbursement, but shall provide full reimbursement until federal financial participation is available.

The act requires the behavioral health administration to train emergency departments and certified peace officers in procedures for emergency commitment and involuntary commitment of a person with a substance use disorder.

The act requires the legislative services agencies of the general assembly to perform a post-enactment review of certain criminal provisions 3 years following the act becoming law.

The act requires the following appropriations for the purposes of the act:

- \$14,389,055 to the department of human services for the behavioral health administration, of which \$10,986,092 is from the general fund, \$402,963 is from the correctional treatment cash fund, and \$3 million is from the behavioral and mental health cash fund consisting of money the state received from the federal coronavirus state fiscal recovery fund. The amount includes assumptions that the behavioral health administration will require an additional 4.1 FTE;
- \$869,288 to the judicial department for probation and related services, of which \$138,362 is from the general fund and \$730,926 is from the correctional treatment cash fund. The amount includes an assumption that the judicial department will require an additional 1.6 FTE;
- \$150,000 to the department of law from the general fund;
- \$5,792,413 to the department of public health and environment for the prevention services division from the general fund. The amount includes an assumption the prevention services division will require an additional 1.5 FTE.
- \$7 million to the department of public safety for the division of criminal justice from the general fund. The amount includes an assumption the division of criminal justice will require an additional 1.8 FTE;
- \$360,000 to the department of health care policy and financing from the general fund;
- \$19,700,000 to the opiate antagonist bulk purchase fund from the behavioral and mental health cash fund consisting of money the state received from the federal coronavirus state fiscal recovery fund;
- \$6 million to the harm reduction grant program cash fund from the behavioral and mental health cash fund consisting of money the state received from the federal coronavirus state fiscal recovery fund; and
- \$300,000 to the department of public health and environment for the prevention services division, from the behavioral and mental health cash fund consisting of money the state received from the federal coronavirus state fiscal recovery fund.

APPROVED by Governor May 25, 2022

EFFECTIVE July 1, 2022

H.B. 22-1386 Competency to proceed - second evaluation - inpatient evaluations - outpatient restoration services - competency review timing - appropriations. Under current law, in a dispute over a defendant's competency, a party may request a second evaluation of the defendant. The act requires that if a second evaluation is completed and restoration is ordered, the court shall make the second evaluation available to the department of human

services (department).

If the court finds that the competency report provided by the department does not meet statutory requirements, the act permits a defendant to be placed in the department's custody for an inpatient competency evaluation.

Under current law, when a defendant is in custody on a misdemeanor, petty offense, or traffic offense and the defendant is found incompetent to proceed, there is a presumption that the court will enter a personal recognizance bond. The act also creates a presumption that the court will order outpatient restoration services. If the court denies a personal recognizance bond, the court shall notify the department of the specific facts and findings it relied upon in the order for restoration treatment. The department is allowed to offer assistance to an out-of-state provider providing restoration services to a defendant living outside Colorado.

The requirement to opine on whether there is a substantial probability that the defendant will be restored to competency and remain competent with the use of medication or not remain competent without the use of forced medication is eliminated.

After the court has conducted at least 4 competency reviews, the act requires the court to conduct a competency review every 91 days. The court is required to dismiss the defendant's case if there is not a substantial probability that the defendant will be restored to competency in the reasonably foreseeable future.

The act appropriates:

- \$28,562,828 from the economic recovery and relief fund cash fund to the department for use by the office of behavioral health for inpatient bed capacity; and
- \$800,000 from the behavioral and mental health cash fund to the department to contract for a feasibility study of renovating a facility in Adams county to provide inpatient beds for competency services.

APPROVED by Governor June 2, 2022

EFFECTIVE July 1, 2022

EARLY CHILDHOOD - PROGRAMS AND SERVICES

S.B. 22-213 Child care grant and support programs- family, friend, and neighbor support programs - home visiting grant program - appropriations. The act supports various aspects of early childhood and child care by extending current grant programs and developing new programs by making the following appropriations:

- \$50 million from federal funds from child care development funds for the purposes of implementing the child care sustainability grant program;
- \$16 million from the economic recovery and relief cash fund for the emerging and expanding child care grant program.
- \$10 million from the economic recovery and relief cash fund to implement the employer-based child care facility grant program;
- \$15 million from the economic recovery and relief cash fund to implement the early care and education recruitment and retention grant and scholarship program. Of the \$15 million, \$5 million must be dedicated for home visiting workforce, early childhood mental health consultants, and early intervention providers.
- \$7.5 million from the economic recovery and relief cash fund to implement the family, friend, and neighbor training and support programs; and
- One million dollars from the economic recovery and relief cash fund for the purposes of implementing the home visiting grant program.

The act creates the family, friend, and neighbor (FFN) support programs, which include an advisory group and a training and support program. The family, friend, and neighbor advisory group is created to advise the department on the needs of FFN providers and to make recommendations on changes to regulations, policies, funding, and procedures that would benefit the FFN community. The family, friend, and neighbor support program is created to allow community-based organizations and nonprofit organizations that have expertise working with FFN providers to provide them with information, training, materials, and technical assistance to support best practices.

Subject to available appropriations, the department of early childhood shall make existing state programs available to the FFN community, including, but not limited to, home visitation, early intervention, early childhood mental health, workforce recruitment and retention, and family resource center services.

The act creates the home visiting grant program, in which "home visiting" means a voluntary, evidence-based, 2-generation, and home-based prevention program for families with children from prenatal to 6 years of age. The purpose of the home visiting grant program is to support school readiness, social-emotional growth, and age-appropriate child development delivered by a trained home visitor.

APPROVED by Governor June 3, 2022

EFFECTIVE July 1, 2022

H.B. 22-1197 Department of early childhood - effective date - appropriations. The act changes the effective date for the department of early childhood (department) from July 1, 2022, to March 1, 2022. The act transfers \$3,500,000 from the general fund to the information technology capital account in the capital construction fund, effective April 1,

2022.

For the 2021-22 state fiscal year, the act appropriates \$3,500,000 from the information technology capital account in the capital construction fund to the department for data system capital construction costs and \$326,413 from the general fund to the department for use by the executive director's office.

APPROVED by Governor March 1, 2022

EFFECTIVE March 1, 2022

H.B. 22-1295 Department of early childhood - operations - programs - local coordinating organization - Colorado universal preschool program - appropriation. **Operations of the department of early childhood:** The act establishes the powers, functions, and responsibilities of the department of early childhood (department) and the executive director of the department (executive director) in overseeing and administering early childhood and family support programs and services (programs and services). The act relocates most programs and services from the department of human services and the department of education to the department, effective July 1, 2022. The authority to operate a preschool program transfers from the department of education to the department on July 1, 2023. The department may enter into memoranda of understanding and interagency agreements to allow the department of human services and the department of education to continue operating programs and services, as necessary, to accomplish the transfer of programs, personnel, property, records, information systems, and funding to the department over time without interruption of service. Any existing contracts, claims, and liabilities that pertain to the transferred programs and functions transfer to the department. The rules that pertain to a particular program or function that is transferred to the department remain in effect and apply to the department and to persons or entities affected by the programs and functions until the executive director repromulgates the rules. The department is authorized to accept, use, and administer federal money made available for the purpose of early childhood programs and services operated by the department.

Department rules: The act authorizes the executive director to promulgate rules for the department and the programs and services administered by the department. The department of regulatory agencies must review the executive director's exercise of rule-making authority, and the rule-making authority is repealed September 1, 2024. The executive director is required to convene a 15-member rules advisory council (council) to provide consultation and advice with regard to the rules of the department and the programs and services the department administers. The membership of the council includes a variety of persons who have experience with programs and services. The executive director must provide a written explanation if the executive director does not follow the advice of the council in promulgating rules.

The department is required to:

- Exercise specified functions while adhering to specified principles;
- Develop and implement a single, unified electronic application for families to use in applying for all publicly funded early childhood programs and services the department administers. The application must be functional by July 1, 2023, for purposes of the Colorado universal preschool program (preschool program).

- Work with local coordinating organizations, state and local agencies, and program providers to collect, share, manage, use, and protect data pertaining to programs and services. The department must regularly inform the public of progress made in improving the delivery of programs and services.
- Contract with a public or private entity to independently evaluate the department's governance and performance after the first 3 years of operation and to evaluate early childhood programs and services that were not transferred to the department and recommend whether to transfer those programs and services. By November 1, 2025, the independent evaluator must submit the report to the governor, the early childhood leadership commission, and committees of the general assembly.
- Collaborate with other state departments to prepare an annual report concerning transitioning and implementing programs and services and cross-agency collaboration. The department shall include the report in its annual hearing pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act".

Local coordinating organizations: The act directs the department to solicit applications from local public entities and nonprofit organizations to serve as local coordinating organizations (LCOs) in communities throughout the state. The department must review the applications and, to the extent possible, select an LCO for every community in the state. If there is an area for which an LCO is not selected, the department will serve as the LCO until an organization is selected. An LCO is responsible for working with the families, program and service providers, and local governments in the community and with the department to increase access to, coordinate, and allocate funding for program and service providers in the community. The specified responsibilities of the LCO, include adoption of a community plan (plan), subject to approval by the department, to address specified issues, including:

- Assisting families in applying for programs and services;
- Recruiting and ensuring a mixed delivery system of public and private preschool program providers;
- Allocating funding among providers, based on parent choice, to maximize funding to meet community needs for programs and services;
- Supporting increased recruitment and retention of individuals in the early care and education workforce;
- Securing additional local resources and funding for programs and services; and
- Providing transparency concerning the amount of money available for and used to support programs and services.

The department shall enter into a coordinator agreement with each LCO that specifies the duties of the LCO in implementing the plan; other responsibilities the LCO must meet, including responsibilities concerning the preschool program; performance expectations that the LCO must meet; and the duties of the department to support and assist the LCO. The term of the initial coordinator agreement is 3 years and subsequent agreements must have 3- to 5-year terms. At the conclusion of a coordinator agreement, the department must solicit and review LCO applications for the community and may select the same or a new organization to serve as the LCO. The department has specified duties in working with LCOs, including annually reviewing each LCO's performance.

Transfer of department of human services programs: Effective July 1, 2022, the act transfers the authority for the following programs and functions from the department of human services to the department. The programs are relocated without substantive change, except as noted:

- Early childhood councils;
- Family resource centers;
- The child abuse prevention trust fund;
- The child care services and substance use disorder treatment pilot program;
- Early intervention services for infants and toddlers;
- The Colorado nurse home visitor program;
- Social-emotional learning programs grant program. The act codifies the social-emotional learning programs grant program, currently operated by the department of human services as the incredible years program, to provide grants to operate programs for teachers and parents and directly for young children. The department shall administer the grant program in collaboration with an implementation partner that the department selects. The act specifies the duties of the implementation partner, the grant application requirements, and the program and curriculum requirements a grantee must meet.
- The early childhood mental health consultation program;
- Emergency relief grant programs;
- Family-strengthening home visiting programs. Before passage of the act, the department of human services operated family-strengthening home visiting programs under its broad authority for child welfare services. The act creates specific authority for the department to operate these programs, specifying minimum requirements that the programs must meet to receive grant funding and requirements for the department to select and work with implementation partners.
- The Colorado child care assistance program (CCCAP). The act recognizes the department as the sole state agency for administering CCCAP, authorizes the department to accept money and property on behalf of CCCAP, and specifies the department's powers and duties in implementing CCCAP. By July 1, 2025, and every 3 years thereafter, the department, after consulting with county departments of human and social services (county) and child care providers, shall develop a calculation for provider rates with the goal of eventually more accurately reflecting the cost of child care. The department shall identify and recruit providers throughout the state to participate in the CCCAP. The act creates the child care assistance program allocation committee to provide recommendations to the department concerning a formula for allocating block grant funding to counties. The executive director may adjust the percentage of the federal poverty rate used to determine eligibility for child care assistance in order to align eligibility across early care and education programs to the extent allowed by federal law. Effective July 1, 2023, a county shall not require a person who applies for child care assistance to participate in child support establishment, modification, or enforcement services. Beginning July 1, 2023, a county may give priority for services to a working family over a family enrolled in postsecondary education or workforce training only if the county does not have sufficient funding and has approval for the prioritization from the department. Each county shall pay providers for care in alignment with common private-market practices, and the department rules for payment

policies must allow daily reimbursement rates only in specific circumstances and must incentivize providers to promote regular program attendance. The executive director shall adopt rules pertaining to children who are enrolled in both CCCAP and the preschool program to ensure funds may be combined and coordinated at the state and local levels and eligibility and authorization for services are aligned, to the extent practicable. The act expands the information that the department must annually report regarding implementation of CCCAP. Each county must enter into an annual performance contract with the department with regard to implementing CCCAP. The act recreates, without substantive change, provisions concerning recoveries from CCCAP recipients of fraudulent or excess payments, location of recipients for purposes of recoveries, confidential records, and state income tax refund offsets.

- Quality improvement initiatives for early childhood care and education programs;
- Colorado infant and toddler quality and availability grant program;
- Child care licensing. The act transfers from the department of human services to the department the authority for licensing child care centers, family child care homes, and other facilities generally providing less than 24-hour care for children. The licensing authority is transferred without substantive change except for the creation of a public preschool provider license that is focused on ensuring the health and safety of children in public preschool classrooms. The authority for licensing residential and day treatment facilities and child placement agencies remains in the department of human services.
- Early childhood workforce development. The act requires the department to create a plan for recruiting, training, and retaining a well-compensated, well-prepared, high-quality early childhood workforce and specifies the issues to be addressed. The department must make the plan publicly available on the department's website and submit a copy to the early childhood leadership commission, the governor's office, and committees of the general assembly. The department must collaborate with other state departments to periodically review and assess the implementation of recruitment, preparation, professional development, and retention initiatives for the early childhood workforce.

Transfer of department of education programs: Effective July 1, 2022, responsibilities concerning early childhood workforce development, including the professional development information system, are transferred from the department of education to the department. Effective July 1, 2023, the authority to operate a statewide preschool program transfers from the department of education to the department.

Colorado universal preschool program: The act creates the Colorado universal preschool program to provide 10 hours per week of preschool services for children in the year preceding eligibility for kindergarten (universal preschool services); preschool services for all 3- and 4-year-old children with disabilities in accordance with their individualized education programs; preschool services for a limited number of 3-year-old children who are in low-income families or meet qualifying factors; preschool services for children younger than 3 years of age in limited circumstances; and additional hours of preschool services in the year preceding eligibility for kindergarten (additional preschool services) for children who are in low-income families or meet qualifying factors.

The department shall administer the preschool program, which will begin enrolling students for the 2023-24 school year. The department shall work with the LCOs to make available throughout the state a mixed delivery system of public and private preschool providers to accommodate parent choice. The executive director shall, by rule, establish quality standards that preschool providers must meet. The department shall collaborate with the department of education through an interagency agreement to ensure all 3- and 4-year-old children with disabilities are served in accordance with federal and state requirements for children with disabilities.

The department shall implement a process of continuous evaluation and improvement for preschool providers and contract with an independent evaluator to measure the preschool program's success in improving the overall learning and school readiness of the children whom the preschool program serves. The department shall publicly communicate the evaluation results and consider the results in reviewing the preschool quality standards; recruiting, training, and retaining a high-quality early childhood workforce; and establishing goals for the preschool program.

The department shall annually establish per-child rates for universal preschool services; preschool services for 3- and 4-year-old children with disabilities; preschool services for children 3 years of age and, in limited circumstances, younger; and additional preschool services. The department shall by rule establish the formulas for determining the per-child rates, taking into account the cost of providing preschool services, special education maintenance of effort funding requirements, and variations in the cost resulting from regional differences and circumstances and from characteristics of children who enroll in the preschool program. In allocating the preschool funding, the department must prioritize funding for universal preschool services; preschool services for 3- and 4-year-old children with disabilities; and preschool services for other 3-year-old, and in limited circumstances younger, children up to a specified amount. The department may then allocate funding for additional preschool services, first for children who are in low-income families and meet qualifying factors, and for specified purposes.

Funding for the preschool program is paid from money credited and appropriated to the preschool programs cash fund (fund), which consists of a portion of the taxes collected on sales of cigarettes and other tobacco and nicotine products and other amounts that the general assembly transfers or appropriates to the fund. For the 2023-24 fiscal year and each fiscal year thereafter, the general assembly is required to transfer to the fund an amount equal to the difference in the state share of total program calculated for the 2022-23 fiscal year with and without preschool students, increased annually thereafter by the rate of inflation.

Beginning in January of 2024, the department shall include in its annual "SMART Act" report specified information concerning implementation of the preschool program and post the information on the department's website.

Online kindergarten readiness pilot program. The act creates the new online kindergarten readiness pilot program (pilot program) to provide parents access to a voluntary, online kindergarten readiness program to serve children in the year before eligibility for kindergarten. The department must conduct a statewide survey and issue a request for information to identify a provider for the pilot program. Subject to the availability of appropriations for the 2023-24 fiscal year, the department may contract with

EDUCATION - PUBLIC SCHOOLS

S.B. 22-4 READ act - literacy - training - reading interventionists - principals - administrators - librarians - appropriation. By the beginning of the 2024-25 school year and continuing thereafter, the act requires each school district, board of cooperative services, and charter school (local education provider) to ensure that each reading interventionist employed to teach children in any of grades 4 through 12, the principal in each school that serves kindergarten or any of grades one through 3, and each school district administrator with responsibility for programs in kindergarten or any of grades one through 3 successfully completes evidence-based training in the science of reading. The local education provider may request a one-year extension from the state board of education to ensure that the teachers, reading interventionists, principals, and administrators whom it employs meet the training requirements. Each local education provider must submit to the department of education (department) evidence that it is in compliance with the reading interventionist, principal, and administrator training requirements to receive per-pupil intervention money in a budget year.

The act encourages the director of each public library to work with the department to provide evidence-based training in the science of reading for each librarian and to identify and provide materials and activities for parents and children to improve literacy. Each library director may prepare a plan and submit it to the state librarian describing how the director and librarians will work with children and families to support literacy. At the request of a local education provider or a library director, the department shall provide free training in the science of reading to reading interventionists, principals, and administrators employed by the local education provider and librarians employed at the public library.

The act directs the state librarian to work with public libraries throughout the state to facilitate access to evidence-based training in the science of reading for librarians and assist in identifying materials and activities for parents and children to improve literacy.

For the 2022-23 budget year, the act appropriates \$251,139 from the early literacy fund to the department to implement the act.

APPROVED by Governor May 31, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-54 Community school - turnaround plan. The act authorizes the state review panel to recommend that a district public school be converted to a community school if the district public school fails to make substantial progress under its turnaround plan.

APPROVED by Governor March 24, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-69 Educator evaluations - measures - appropriation. For the 2021-22 and 2022-23 school years, the act prohibits a school district or board of cooperative services from using measures of student academic growth derived from the Colorado growth model or from

considering the performance plan type implemented by the school district or board of cooperative services or by a school in determining evaluation ratings for licensed personnel.

For the 2022-23 budget year, the act appropriates \$21,265 from the general fund to the department of education to implement the act.

APPROVED by Governor May 31, 2022

EFFECTIVE May 31, 2022

S.B. 22-70 Educator evaluations - use of academic growth measures - rules - reporting - appropriation. The act specifies the duties of the department of education (department) related to licensed personnel performance evaluation systems, including the following duties, which the department must comply with by the beginning of the 2023-24 school year:

- Creating a modified rubric for evaluating personnel who are consistently rated highly effective;
- Creating specialized rubrics for particular teacher or principal roles;
- Providing free evaluator training for school districts and boards of cooperative services (BOCES);
- Providing guidelines for incorporating a licensed person's professional growth achievements into the evaluation; and
- Providing best practices in methods of conducting evaluations.

The act directs the state board of education (state board) to adopt rules as necessary to ensure that, beginning with evaluations completed in the 2023-24 school year:

- 30% of a teacher's or principal's evaluation is based on the academic growth of students, and the remainder is based on the teacher's or principal's attainment of quality standards;
- Of that 30%, up to 10% of a teacher's or principal's evaluation may be based on measures of collective student academic growth for a particular grade level or for an entire school, but the evaluation must not include measures of collective student academic growth for students who are not enrolled in the school at which the teacher or principal is employed; and
- If a licensed person has been employed by a school district or BOCES for one year or less, the person's evaluation must not include data created before the licensed person's employment began.

School districts and BOCES are encouraged to experiment with innovative methods of conducting observations for licensed personnel evaluations and train multiple persons to serve as evaluators. A school district or BOCES must complete the licensed personnel evaluations within the school year for which the person is evaluated and report the performance ratings to the department by October 15 of the next school year.

For the 2022-23 fiscal year, the act appropriates \$452,973 from the general fund to the department. Of that amount:

- \$343,059 is for educator effectiveness unit administration;
- \$90,200 is for information technology services; and
- \$19,714 is for legal services and is reappropriated to the department of law.

APPROVED by Governor May 24, 2022

EFFECTIVE May 24, 2022

S.B. 22-127 School finance - special education services - children with disabilities - appropriation. Current law requires the department of education to distribute to each administrative unit \$1,250 for each child with a disability who receives special education services from the administrative unit. The act increases the amount to \$1,750 and requires the amount to increase by the rate of inflation each budget year beginning with the 2024-25 budget year.

The act increases the required annual appropriation by an additional \$26.8 million to fund children who have one or more disabilities and receive special education services from an administrative unit and requires the amount to increase by the rate of inflation each budget year beginning with the 2024-25 budget year.

The act requires the special education fiscal advisory committee to submit a report to the education committees of the general assembly on or before January 1, 2023. The report must include the following information:

- An analysis of funding for special education services in other states compared to the funding model used in Colorado, with a focus on the proportionate share between federal, state, and local funding and how other states fund different categories of disabilities to target the needs of children with disabilities;
- An analysis of the actual costs to provide special education services to children with disabilities in Colorado;
- An analysis of the effectiveness of the current model for funding special education services, including whether the current funding model adequately supports special education services;
- An examination of the high-cost special education trust fund (fund) that includes how the fund is operated, who receives funding from the fund, and how the fund impacts those who receive funds;
- An analysis of the current disability categories for children with disabilities and whether the disability categories are sufficient for meeting the needs of children with disabilities; and
- Recommended changes, if any, to the special education services funding model.

The act appropriates \$80 million from the state education fund to the department of education for special education programs for children with disabilities.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

S.B. 22-137 Performance indicators - accountability - school transformation. In reporting levels of attainment on the performance indicators by each public school, school district, the charter school institute (institute), and the state as a whole, the act requires the department of education (department) to include for the 2021-22 school year data concerning the percentage of students who contributed to the state longitudinal academic growth indicator.

Under current law, the department is required to annually determine the levels of attainment on various performance indicators for each public school, school district, the institute, and the state as a whole. Furthermore, under current law, the department is not

required to determine the levels of attainment of each public school, school district, the institute, or the state as a whole for the 2019-20 and 2020-21 school years. For the 2021-22 school year, the act requires the department to determine the level of attainment for each public school, school district, the institute, and the state as a whole, based on the statewide targets required for the 2018-19 school year.

Under current law, for purposes of calculating a school district's or the institute's consecutive years on performance watch, the department is required to count the school district's accreditation rating for the 2022-23 school year as if it were consecutive to the 2019-20 school year. The act suspends counting a school district's accreditation rating until the 2023-24 school year.

Under current law, so long as a school district or the institute performs at a level consistent with being accredited with priority improvement plan or lower, a state review panel is required to consider various criteria in evaluating performance and recommending actions. The act adds to these criteria consideration of a school district's or the institute's 2022-23 accreditation category or the public school's 2022-23 plan type.

Under current law, the school transformation grant program generally provides funding to school districts, the institute, and charter schools that are implementing priority improvement or turnaround plans. For grants awarded in the 2022-23 budget year, the act extends grant eligibility to school districts, the institute, and charter schools that are implementing improvement plans.

APPROVED by Governor April 13, 2022

EFFECTIVE April 13, 2022

S.B. 22-165 Colorado career advisor training program - appropriation. The act creates the Colorado career advisor training program in the department of education to provide training programs and courses to Colorado career advisors. The department of education, in coordination with the department of higher education, department of labor and employment, Colorado workforce development council, and the Colorado community college system, administers the program.

The act appropriates \$1 million from the general fund to the department of education.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

S.B. 22-197 Innovation school zones - alternative governance - dispute resolution - review of innovation plans. The act allows an innovation school zone (innovation zone) to use an alternative governance structure by which the school district board of education (local school board) delegates management activities of schools within the innovation zone to another organization and the organization forms a partnership with the local school board. An innovation zone is required to submit information regarding the alternative governance structure in the innovation zone's innovation plan (plan) to the local school board.

The act requires that the local school board and an innovation zone with alternative governance as a whole, or a school within the innovation zone with alternative governance, use a dispute resolution process to resolve disagreements regarding the administration of the plan. The act outlines the dispute resolution process.

The act requires a local school board to review the level of performance of an

innovation zone with alternative governance as a whole, and each school within the innovation zone with alternative governance, at the same time.

The act clarifies that when a vote is required and concerns consent for a plan revision in an innovation zone with alternative governance as a whole, or a school within the innovation zone with alternative governance, the vote must occur within 30 days. Within the 30-day time frame or if approval is not secured, the initial plan must remain in effect.

If a local school board votes to revoke the status of an innovation zone with alternative governance, or a school within the innovation zone with alternative governance, or to remove a school within the innovation zone with alternative governance from the innovation zone based on insufficient academic progress of the students enrolled in the innovation zone with alternative governance, an innovation zone with alternative governance may submit a written request to the state board of education and commissioner of education to review and comment on the local school board's determination. The act outlines the review and comment process.

APPROVED by Governor June 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-202 Mill levy overrides - state matching money - appropriation. Beginning in the 2022-23 budget year, the act directs the department of education (department) to annually distribute to each eligible school district and each eligible institute charter school an amount of state money as a matching amount to the property tax revenue the eligible district receives from mills levied for additional revenue (override mills). To determine the amount, if any, of state matching money, the department shall annually calculate for each district:

- The district's maximum number of override mills; and
- The number of override mills the district may be expected to levy toward the district's maximum number of override mills (override mill capacity), based on the district's median household income.

If a district's override mill capacity is less than the maximum number of override mills, the district is eligible to receive matching state money. The department must calculate each eligible district's mill levy match amount as provided in the act. An institute charter school that is located within an eligible district is eligible to receive a distribution of state money equal to the eligible district's per pupil mill levy match amount multiplied by the institute charter school's pupil enrollment. The department must calculate and distribute in June of each budget year the mill levy match amounts from the mill levy override match fund (fund) created in the act. The act transfers \$10 million from the general fund to the fund for the 2022-23 budget year.

For the 2022-23 budget year, the act appropriates \$10,041,238 to the department to implement the act, \$10 million of which is from the fund and \$41,238 of which is from the general fund.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

Note: Specified sections are contingent on House Bill 22-1390 becoming law. House Bill

22-1390 was signed by the Governor May 26, 2022.

S.B. 22-207 Federal Title IX regulations - study - appropriation. The act creates a study in the department of education (department). The department is required to contract with a third party to conduct the study. The third-party contractor (contractor) is required to examine the amendments to the Title IX regulations of the federal "Education Amendments of 1972" (Title IX) issued by the United States department of education's office for civil rights. The contractor is required to consult with the department, a sexual misconduct advisory committee within the department of higher education, a K-12 advocacy organization, and a Colorado student government organization. The study must include an examination of the following:

- Best practices for prevention, notification, training, and responding to sex-based discrimination and harassment in public schools;
- The gaps between state and federal law regarding Title IX; and
- Whether Title IX regulations place limits on state law and whether the Colorado general assembly may adopt more stringent standards in state statute.

The act establishes that if the department contracts with a public university as the contractor, the department shall submit the results of the study on January 31, 2023, to the education committees of the general assembly. If the department contracts with a contractor that is not a public university, the department shall submit the results of the study on March 30, 2023, to the education committees of the general assembly.

The act appropriates \$57,850 from the general fund to the department to conduct the study.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

H.B. 22-1146 State public school fund - distribution of interest or income from the fund - investment board member terms - investment board working group - report. The act authorizes the state treasurer to stagger the terms of the state treasurer's 3 appointed members to the public school fund investment board (investment board), commencing with new appointments beginning on and after July 1, 2022, to ensure that no more than 2 members' terms expire in the same year.

Beginning in the 2022-23 state fiscal year, the act reorganizes the distribution of interest or income earned on the investment of the money in the public school fund (fund) to:

- Pay first from the distribution the services of the investment consultant hired by the investment board;
- Credit next to the state public school fund, for distribution for school finance, all remaining interest and income, not to exceed \$21 million dollars; and
- Credit next to the public school capital construction assistance fund all remaining interest and income, not to exceed \$20 million dollars.

The act creates a working group, convened by the state treasurer, to consider opportunities to improve the growth of the public school fund and its distributions for the

intergenerational benefit of public schools. The act authorizes the state treasurer, after consulting with the investment board, to select the members of the working group, and the act specifies the issues the working group must study. Not later than February 28, 2023, the state treasurer shall report the findings and recommendations of the working group to the joint budget committee and to the education committees of the house of representatives and of the senate.

The act modifies the time frame and clarifies the circumstances in which a realized investment loss to the fund may be offset by realized gains before the general assembly is required to appropriate money to cover losses to the fund.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

H.B. 22-1168 Hunter education course - local education provider offering. The act allows local education providers, upon entering into an agreement with an individual or entity that offers hunter education courses certified by the division of parks and wildlife (division), to provide a hunter education course (course) to all seventh graders. The act does not preclude a local education provider from offering hunter education courses as an elective course in any other grade. The course must satisfy the requirements of a hunter education course certified by the division; except that hands-on activities are not required. The course must be taught by a division-certified instructor. A parent or legal guardian must provide permission for a student to participate in any hands-on activities that are offered as part of the course. A hunter education course shall only allow the possession of inert firearms and dummy rounds on the grounds of any elementary, middle, junior high, or high school. The act defines local education providers to mean school districts, charter schools, and boards of cooperative services that enroll students in seventh grade. The parks and wildlife commission may accept completion of a course toward meeting the requirements of a hunter education certificate.

APPROVED by Governor April 21, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1186 School funding - adjustments for 2021-22 school year - appropriation. The general assembly recognizes that the actual funded pupil count and the at-risk pupil count for the 2021-22 budget year are lower than expected when the appropriation amount for the state share of total program funding was established during the 2021 legislative session, resulting in a decrease in total program funding for the 2021-22 budget year. In addition, local property tax revenue and specific ownership tax revenue are higher than anticipated, resulting in an increase in the local share of total program funding.

The act declares the general assembly's intent to maintain total program funding after application of the budget stabilization factor at the amount of the original appropriation for the 2021-22 budget year.

The act decreases the appropriation for the state share of total program funding by \$139,565,749 in cash funds from the state education fund and adjusts the 2021-22 state fiscal year long bill accordingly.

The act appropriates \$91,433,760 in cash funds from the state education fund to the department of education to distribute to school districts and institute charter schools that received lower than anticipated funding for at-risk pupils for the 2021-22 budget year. The appropriation is additional funding and does not affect a district's or institute charter school's total program.

APPROVED by Governor March 1, 2022

EFFECTIVE March 1, 2022

H.B. 22-1202 School finance - new at-risk student measure - commissioner working group for implementation - appropriation. The act identifies a new at-risk measure to identify students who are at risk of below-average academic outcomes because of socioeconomic disadvantage or poverty in order to allocate resources through the state's public school funding formula to serve those students. The new at-risk measure includes:

- The percentage of students certified as eligible for the school lunch program based on documentation of benefit receipt or categorical eligibility, supplemented by the expansion of direct certification to participants in the medical assistance program and the children's basic health plan; and
- A neighborhood socioeconomic-status index that weights student needs based on socioeconomic-status index neighborhood factors linked to each student's census block group.

The commissioner of education (commissioner) shall convene a working group to prepare for the implementation of the new at-risk measure in the 2023-24 budget year. The act specifies the membership of the working group. The act includes issues that the working group may consider in constructing and implementing the new at-risk measure, including collecting necessary data, constructing a neighborhood socioeconomic-status index linked to students' addresses, and testing the at-risk measure with actual student data, if available.

Not later than January 31, 2023, the commissioner shall report findings and recommendations for the construction and implementation of the new at-risk measure to the education committees of the general assembly and the joint budget committee.

The act requires the department of education to apply to the United States department of agriculture to obtain authorization for direct certification of students participating in the medical assistance program and the children's basic health plan.

For the 2022-23 state fiscal year, to implement the act, the act appropriates \$34,997 to the department of education from the general fund and provides an additional .01 FTE for administration related to public school finance; and appropriates \$128,341 from the general fund to the department and provides 0.4 FTE for federal nutrition programs.

APPROVED by Governor May 3, 2022

EFFECTIVE May 3, 2022

H.B. 22-1215 Secondary, postsecondary, and work-based learning integration programs - task force - legislative advisory council - appropriation. The act directs the commissioner of education (commissioner), in collaboration with the executive director of the department of higher education (executive director) and the chair of the state work force development council (council chair), to convene the secondary, postsecondary, and work-based learning

integration task force (task force) to develop recommendations to support the expansion and alignment of programs that integrate secondary, postsecondary, and work-based learning opportunities throughout the state. The act specifies the membership of the task force, to be selected by the commissioner in collaboration with the executive director and the council chair, and the specific duties of the task force. The task force must prepare an interim report and a final report of its findings and recommendations and submit the reports by December 1, 2022, and December 1, 2023, respectively, to the governor, the education leadership council, the state board of education, the Colorado commission on higher education, and the education committees of the general assembly. The act creates a legislative advisory council to provide advice and comment to the task force.

For the 2022-23 state fiscal year, the act appropriates from the general fund \$89,123 to the department of education and \$1,966 to the legislative department to implement the act.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

H.B. 22-1248 School leadership pilot program - continuation - appropriation. The act continues the existing school leadership pilot program (program) by repealing the repeal date for the program and removing the word "pilot" from the name of the program. The act repeals the ability of the department of education (department) to award grants to the employers of school principals who participate in the program and limits the amount that the general assembly may annually appropriate for the program to no more than \$250,000.

For the 2022-23 budget year, the act appropriates \$250,000 to the department to implement the program.

APPROVED by Governor May 24, 2022

EFFECTIVE May 24, 2022

H.B. 22-1252 Public school contracts - prohibited and required provisions. The act concerns provisions of a public school contract, which is defined in the act as an agreement between a public school contracting entity and a contractor where the principal purpose is to acquire supplies, services, or construction or to dispose of supplies for the direct benefit of or in support of a public school other than an agreement for the acquisition of certain types of professional services. For public school contracts executed on or after July 1, 2022, the act requires specified provisions to be included in a public school contract, states that a public school contract shall be deemed to include such provisions if they are inadvertently or otherwise omitted, and specifies that certain specified types of terms or conditions in a public school contract, including any provision that conflicts with Colorado law or rules or any provision required to be included in a public school contract, are void.

APPROVED by Governor April 12, 2022

EFFECTIVE April 12, 2022

H.B. 22-1260 School policy addressing access to medically necessary treatment in school setting- report. No later than July 1, 2023, the act requires each administrative unit to adopt a policy that addresses how a student who has a prescription from a qualified health-care provider for medically necessary treatment receives such treatment in the school setting as required by applicable federal and state laws. The act requires the administrative unit to make the policy publicly available on the administrative unit's website and available to the

student's parent or legal guardian upon request.

Beginning July 1, 2024, and each July thereafter, the act requires each administrative unit to compile and provide to the department of education (department) the total number of requests for access to a student by a private health-care specialist and whether the access was authorized or denied.

Beginning January 2025, and each January thereafter, the act requires the department to make the information reported available on the department's website and report the information to specified committees of the general assembly.

APPROVED by Governor June 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1265 Education data advisory committee - sunset review. The act implements the recommendations of the department of regulatory agencies' sunset review and report on the education data advisory committee (EDAC) by continuing the committee indefinitely. EDAC is granted authority to designate whether a data reporting request is mandatory, required to achieve a benefit, or voluntary. If there is a difference in designation between EDAC's determination and that of the department of education, the state board of education will hold a public hearing on the issue.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

H.B. 22-1274 School safety working group - continued indefinitely - appropriation. The Colorado interagency working group on school safety (working group) is scheduled to repeal on September 1, 2022. The act continues the working group indefinitely and requires the department of public safety to convene the first meeting of the working group no later than December 31, 2022.

The act appropriates \$100,000 from the general fund to the department of public safety for the working group.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1276 Second chance scholarship program - sunset. The act implements the recommendation of the department of regulatory agencies in its sunset review and report on the second chance scholarship program by repealing the program.

APPROVED by Governor April 25, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1294 Special education services - administrative units - district charter schools and institute charter schools - appropriation. The act allows a district charter school or an institute charter school, upon approval of the authorizing school district board of education or the state charter school institute (CSI), respectively, to develop and administer an enrollment preference plan to give enrollment preference to children with disabilities. In exercising the enrollment preference plan for children with disabilities, a district charter school and an institute charter school shall ensure compliance with the obligation to provide a free appropriate public education in the least restrictive environment pursuant to the federal "Individuals with Disabilities Education Act". A district charter school or an institute charter school may allow parents to voluntarily provide information regarding the existence of a child's disability.

The act allows the department of education (department) to designate a charter school network or charter school collaborative that meets specified criteria as an administrative unit for the purpose of providing special education services to children with disabilities. If the department designates a charter school network or charter school collaborative as an administrative unit, a district charter school or institute charter school that is within the charter school network or is participating in the charter school collaborative is required to amend its district charter contract or institute charter contract, respectively, to reflect that the district charter school or institute charter school is participating in the administrative unit of the charter school network or charter school collaborative.

If the parents of a child with a disability remove the child from enrollment in the alternative administrative unit in which a district charter school or institute charter school participates after the annual count date to determine state funding for children with disabilities, that alternative administrative unit continues to be deemed the child's administrative unit of residence for the remainder of the school year and may be required to pay the tuition charge for excess costs to the administrative unit of attendance that enrolls the child for the remainder of the school year. The act further clarifies provisions concerning the payment of tuition for excess costs when a child with a disability is enrolled in a district charter school or institute charter school that participates in an alternative administrative unit that is a charter school network or charter school collaborative.

The act further clarifies that if a child with a disability who is enrolled in an alternative administrative unit is placed by an IEP team in an approved facility school or other private setting for special education purpose, the child continues to be enrolled in the alternative administrative unit until certain circumstances occur.

The act allows a district charter school or an institute charter school, upon the department's approval of the administrative unit of a charter school network or charter school collaborative, to enter into an agreement to participate in the existing alternative administrative unit. After the department approves an application for the reorganization of the administrative unit to include the district charter school, the district charter school is required to amend its district charter contract to reflect that the district charter school is participating in the existing alternative administrative unit of the charter school network or charter school collaborative. The institute charter school is required to amend its institute charter contract to reflect that the institute charter school is participating in the existing alternative administrative unit of the charter school network or charter school collaborative.

The act allows a district charter school, upon approval of the CSI, to enter into an

agreement with the CSI to participate in the CSI's administrative unit. After the department approves an application for the reorganization of the CSI's administrative unit to include the district charter school, the district charter school is required to amend its charter contract to reflect that it is participating in the CSI's administrative unit.

The act clarifies that a school district or the CSI shall not require a district charter school or an institute charter school, respectively, to participate in an alternative administrative unit as a condition of approval of its application or approval or renewal of its contract with the school district or the CSI.

The act specifies that a charter school collaborative may provide special education and related services to participating schools as authorized by the contract creating the charter school collaborative. Participating charter schools of the charter school collaborative shall share costs and financial support for special education and related services.

The act clarifies that a district charter school is not required to pay its authorizing school district for federally required educational services that are not available to the district charter school.

The act appropriates \$375,000 from the general fund to the department for use by the CSI to distribute to eligible institute charter schools.

APPROVED by Governor May 26, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1331 Facility schools - appropriation. The act requires, in state fiscal year 2022-23 only, and within available appropriations, that the department of education (department) distribute supplemental payments to facility schools approved by the department as of October 1, 2022. The supplemental payments must be above and beyond the current daily per pupil revenue rate as established for the 2022-23 state fiscal year.

The act appropriates \$5,134,000 to the department from the state education fund for supplemental payments to facility schools.

APPROVED by Governor April 25, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1366 Postsecondary, workforce, career, and education grant program - regional coordinators - financial aid training stipends - use of technology - streamlining financial aid applications - appropriations. The act establishes a number of new programs concerning postsecondary career and education options for students, including:

- Establishing the postsecondary, workforce, career, and education grant program in the department of education (CDE) to provide grants to local education providers to improve the training of school educators and

- administrators, to support students and families in developing career and education plans for after high school, and to increase the number of students for whom applications for free financial aid are completed;
- Creating regional postsecondary and workforce readiness coordinators in CDE to train educators concerning financial aspects of postsecondary options;
 - Updating the financial literacy resource bank to include more information and training concerning postsecondary financial aid;
 - Creating \$500 stipends for teachers who successfully complete financial aid training;
 - Adding a requirement that public schools ensure students and families receive communication about available state and federal financial aid;
 - Requiring the department of higher education (CDHE) to develop a tool kit and training to help schools and nonprofit organizations support students and families in completing postsecondary state and federal financial aid applications and to increase the number of students completing the financial aid forms; and
 - Requiring CDHE to make certain improvements to streamline the Colorado application for financial aid.

The act appropriates to CDE from the general fund:

- \$1,150,000 for the postsecondary, workforce, career, and education grant and readiness program; and
- \$475,000 for financial aid training stipends and resource bank.

The act appropriates to CDHE from the general fund:

- \$680,000 for a financial aid toolkit;
- \$320,000 for financial aid assessment tool improvements; and
- \$250,000 for Colorado commission on higher education and higher education special purpose program administration.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

H.B. 22-1376 Safe schools - standardized reporting - school district profiles - website accessible - student privacy - school climate surveys - training - use of restraints - appropriations. The act requires the department of education (department) to collect and compile data and create reports based on information received from school districts and charter schools (schools) related to chronic absenteeism rates, the number of in-school and out-of-school suspensions, the number of expulsions, the number of students handcuffed or restrained, the number of referrals to law enforcement, and the number of school-related arrests. The department shall to annually update and post such data and reports on its website. The department shall ensure all student-level data is kept confidential and complies with federal reporting requirements.

The act requires the department to create and post easily accessible and user-friendly school district profiles relating to school climate, including school climate surveys.

The act increases restrictions concerning the use of restraints on students. If a physical restraint is used for more than one minute but less than five minutes, the student's parent

must be notified on the day of the restraint. The written notice must include the date, the name of the student, and the number of restraints. If a physical restraint is used for five minutes or more, the school administration shall mail, fax, or email a written report of the incident to the parent or legal guardian of the student not more than five calendar days after the use of the restraint on the student. The written report must be placed in the student's confidential file.

A school resource officer or a law enforcement officer acting in the officer's official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall not use handcuffs on any student, unless there is a danger to themselves or others or handcuffs are used during a custodial arrest that requires transport.

If a school uses a seclusion room, there must be at least one window for monitoring when the door is closed. If a window is not feasible, monitoring must be possible through a video camera. A student placed in a seclusion room must be continually monitored. The room must be a safe space free of injurious items. The seclusion room must not be a room that is used by school staff for storage, custodial, or office space.

The department has enforcement authority over restraint investigation decisions and must follow the procedures outlined for state complaints under the federal "Individuals with Disabilities Education Act" and the department's state-level complaint procedures.

The act requires the peace officers standards and training (P.O.S.T.) board, with respect to the hiring, training, and evaluation of school resource officers and professionalizing a school-police partnership, to create a model policy for selecting school resource officers. The P.O.S.T. board shall consult with school board members, school resource officers, K-12 advocates, and other relevant stakeholders, including student groups, in the development of the model policy. The department shall post the model policy on its website and distribute the policy to schools for consideration and possible adoption. The model policy may be used by schools and police departments.

For the 2022-23 state fiscal year, the act appropriates \$516,451 to the department of education from the general fund for information technology services and the office of dropout prevention and student reengagement. An additional \$30,000 is appropriated to the department of law for use by the peace officers training board from the P.O.S.T board cash fund to implement the provisions of the act.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

H.B. 22-1390 School finance - American Indian mascot - BOCES facilities - Colorado READ act per-pupil intervention money - local accountability system grant program - dyslexia markers pilot program - prohibit tuition for non-residents of district - contingency reserve fund eligibility - enrichment program school codes - educator recruitment and retention program financial assistance - quality teacher recruitment program financing - local school food purchasing program financing - K-5 social and emotional health pilot program extension - imagination library program financing - ASCENT program expansion - state assessment administration policy - appropriations. The act finds that current economic conditions have increased the amount of revenue available to the state for the 2022-23 budget year, allowing the state to increase the amount of appropriation for the state's share of total program funding for school districts and institute charter schools, thereby mitigating

the impact of the budget stabilization factor. Additionally, it finds there is uncertainty concerning the continuity and longevity of these current economic conditions and whether high property values and increased revenue will continue.

The act:

- Increases the statewide base per pupil funding for the 2022-23 budget year by \$252.88, to account for inflation of 3.5%, to a new statewide base per pupil funding amount of \$7,478.16; and
- Sets the total program funding for the 2022-23 budget year for all school districts and institute charter schools after application of the budget stabilization factor to not less than \$8,422,216,159.

The act permits a public school one year to discontinue the prohibited use of an American Indian mascot if the public school was first notified of the prohibited use on or after May 1, 2022.

The act extends by six months the requirement for a board of cooperative services (BOCES) to obtain written permission from the school district in which a school operates or is located if the BOCES intends to authorize the school and the school is physically located within the geographic boundaries of a school district that is not a member of the BOCES.

The act extends by one year the ability for local education providers to carry forward more than 15% of per-pupil intervention money received pursuant to the "Colorado READ Act".

The act extends by one year the local accountability system grant program and the requirement that the department of education (department) contract with an external evaluator to evaluate the implementation of the local accountability systems. The act makes an appropriation of \$100,000 for this evaluation.

The act extends by one year the completion of the pilot program to develop and use screening and identification processes and intervention strategies for early identification of and support for students enrolled in kindergarten through third grade who may have dyslexia.

The act states that, if a school district permits a student whose parent or guardian is a resident of the state but not a resident of the district to attend school in the district, the school district shall not require the parent, guardian, or student to pay tuition to attend school in the district, regardless of when during the school year, or under what circumstances, the student enrolls in or attends school in the district.

The act allows contingency reserve fund payments for rural or small rural school districts for the 2021-22, 2022-23, and 2023-24 budget years if an unusual financial burden would be caused by the withholding of local property taxes due to a delay in filing a required audit report due to extraordinary problems that could not have been reasonably foreseen or prevented by the district.

The act requires the department to issue a separate school code for certain programs.

The act expands authorization for financial assistance through the educator recruitment and retention program to include applicants agreeing to teach for 3 years in educator shortage areas in the state.

The act permits a vendor that contracts with the department to develop a quality teacher recruitment program, and commits to satisfying the requirement to match 100% of the money paid by the department for the contract through gifts, grants, or donations from private donors, to also accept gifts, grants, donations, or other pledges of money from school districts or local governments.

The act removes the department's authority to reallocate money among participating schools under the school food purchasing program.

The act extends by one year the K-5 social and emotional health pilot program and amend the requirements for school mental health professionals participating in the pilot program.

The act permits 20% of the money appropriated for the Colorado imagination library program to be used by the contractor for operating costs.

The act:

- Removes the limit on the number of accelerating students through concurrent enrollment (ASCENT) program participants, and allows each qualified student selected to participate in the program;
- Reduces the number of postsecondary credits a qualified student must have completed to be eligible to participate in the ASCENT program; and
- Repeals the requirement that a student who fails to complete a concurrent enrollment course must repay the amount of tuition to the local education provider and repeals a provision permitting a local education provider to require a student who receives a failing grade to repay the tuition amount of a concurrent enrollment.

The act, as amended by S.B. 22-202, transfers \$290 million from the general fund to the state education fund.

The act clarifies the state assessments that a local education provider may decide whether students will use pencil and paper rather than a computer.

The act makes an appropriation of:

- \$184,125,900 to the department, consisting of \$2,101,985 from the general fund and \$182,023,915 from the state education fund;
- \$1 million to the department for charter school institute mill levy equalization fund;
- \$127,973 for the dyslexia markers pilot program;
- \$43,113 to the department for college and career readiness; and
- \$25,000 for information technology services.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

H.B. 22-1414 School meals - food purchasing and technical assistance grants - food employee wages - income tax deduction limits. The act creates the healthy school meals for all program (program) in the department of education (department) to:

- Reimburse school food authorities that choose to participate in the program (participating school food authorities) for free meals provided to students who are not eligible for free or reduced-price meals under the federal school meals programs;
- Provide local food purchasing grants to eligible participating school food authorities;
- Provide funding to participating school food authorities to increase the wages or provide stipends for individuals employed to prepare and serve food; and
- Provide assistance to participating school food authorities through the local school food purchasing technical assistance and education grant program.

A participating school food authority must:

- Provide free meals to all students enrolled in the public schools that the participating school food authority serves and that participate in the national school lunch program or national school breakfast program;
- Provide to the department annual notice of participation; and
- Maximize the amount of federal reimbursement by participating in the federal community eligibility provision to identify students who are eligible for the federal school meals programs.

The portion of the program that provides reimbursement for school meals begins operating in the 2023-24 budget year. The remaining portions of the program begin operating in the first full budget year after the state of Colorado begins participating in the federal demonstration project to use medicaid eligibility to identify students who are eligible for the federal school meals programs (demonstration project). The act requires the department to participate in the federal community eligibility provision for the state as a whole, if that option is available, and apply to participate in the demonstration project. The amount of reimbursement distributed pursuant to the program is equal to the federal free reimbursement rate multiplied by the total number of meals served minus any other federal or state reimbursement the school food authority receives for providing meals.

Under the act, a participating school food authority that creates a parent and student committee to advise on food purchasing (advisory committee) is eligible to receive a local food purchasing grant (grant) to purchase Colorado grown, raised, or processed products for school meals. The act establishes the amount of the grants, limits on how the grant money may be spent, and the required membership of the advisory committee. The department must annually review a sample of the invoices for purchases made using grant money to ensure compliance with purchasing requirements.

The act creates the local school food purchasing technical assistance and education grant program (grant program) under which a statewide nonprofit organization distributes grants to promote the purchase of Colorado grown, raised, or processed products by participating school food authorities and to assist participating school food authorities in preparing meals using basic ingredients rather than processed products. The nonprofit organization must report annually to the department concerning implementation of the grant program.

The department must submit to committees of the general assembly a biennial report concerning implementation of the program. The department must contract with an independent auditor to conduct a biennial financial and performance audit of the program. The report and the audit must include implementation of the program, implementation of the local food purchasing grants, use of the additional amount for increasing wages or providing stipends, and implementation of the grant program.

Current law limits state income tax itemized deductions for taxpayers who have federal adjusted gross income of \$400,000 or more to \$30,000 for single filers and \$60,000 for joint filers. The act applies the limit to both itemized and standard income tax deductions for taxpayers who have federal adjusted gross income of \$300,000 or more and lowers the limit to \$12,000 for single filers and \$16,000 for joint filers. The amount of revenue generated by the changes to the limit must be appropriated to fund the program. If the program is repealed, the changes to the limit no longer apply.

The act directs the general assembly to appropriate annually the amount necessary to implement the program, including a specified amount for the grant program. The act takes effect only if it is approved by the voters at the November 2022 general election. This approval is a voter-approved revenue change that allows the state to retain and spend all revenue generated by the changes to the limit on state income tax deductions.

Referred Measure, November 2022

EDUCATION - POSTSECONDARY

S.B. 22-3 Nursing degree programs - community colleges - eligible students. The act permits community colleges to offer a bachelor of science degree in nursing to students who have or are pursuing a practical nursing certificate.

APPROVED by Governor April 4, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-8 Financial aid - foster youth - appropriation. The act requires all public higher education institutions (institutions) in Colorado to provide to Colorado resident students who have been in foster care or, following an adjudication as neglected or dependent, in noncertified kinship care in Colorado at any time on or after reaching the age of 13 (qualifying students), financial assistance for the remaining balance of the student's total cost of attendance in excess of the amount of any private, state, or federal financial assistance received by the student (remaining balance financial assistance). Subject to available appropriations, the act requires the Colorado commission on higher education to provide to an institution money to cover 50 percent of the remaining balance financial assistance provided by the institution to qualifying students. The institutions are required to designate an employee to serve as a liaison to qualifying and prospective qualifying students.

The act requires the department of higher education to designate four full-time equivalent employees as foster care student navigators to provide guidance to prospective qualifying students with selecting institutions and programs and to assist students with completing an institution's application for admission, the free application for federal student aid, and, if eligible, the application for a Chafee ETV grant.

School district and state charter school institute child welfare education liaisons are required to provide students in out-of-home placement with information and assistance regarding remaining balance financial assistance for qualifying students.

The act appropriates \$2,610,575 from the general fund to the department of higher education for aid for foster students.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

S.B. 22-56 University of northern Colorado - degree programs - osteopathic medicine degree program. The act permits the university of northern Colorado (UNC) to offer specialized degree programs in osteopathic medicine. The act creates an exception to the university of Colorado health sciences center campus' exclusive authority in medicine for UNC's osteopathic medicine degree program.

APPROVED by Governor March 17, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-121 Tuition revenues - bonds. The act increases, from 10% to 100%, the amount of tuition revenues that a governing board of an institution of higher education or group of institutions of higher education designated as an enterprise may pledge in a contract for the advancement of money. If an institution of higher education issues a revenue bond and the governing board of the institution wants the bond to be an intercept bond, the act raises the amount of the pledged revenue for the new intercept bond from not less than 10% of tuition to not less than 100% of tuition if the institution is an enterprise.

APPROVED by Governor April 7, 2022

EFFECTIVE April 7, 2022

S.B. 22-147 American Rescue Plan Act - behavioral and mental health services - children and families - appropriation. The act creates in the university of Colorado the Colorado pediatric psychiatry consultation and access program (CoPPCAP). The purpose of CoPPCAP is to support primary care providers in identifying and treating mild to moderate behavioral health conditions in children in primary care practices or school-based health centers.

The act requires the general assembly to appropriate from the behavioral and mental health cash fund:

- \$4.6 million to CoPPCAP;
- \$5 million to the behavioral health care professional matching grant program to expand access to behavioral health-care services for children and families; and
- \$1.5 million to the school-based health center grant program.

APPROVED by Governor May 17, 2022

EFFECTIVE May 17, 2022

S.B. 22-172 Rural health-care workforce - health-care education rural track - appropriation. The act establishes the Colorado rural health-care workforce initiative (initiative) to expand the number of health-care professionals practicing in Colorado's rural or frontier counties. As part of the initiative, an institution of higher education (institution) is authorized to establish and operate a health-care professionals rural track within any health-care professional education program offered by the institution.

A rural track must set aside seats in its health-care professional education program for students who express an interest in studying and working in a rural or frontier county, offer didactic curriculum related to practicing the health-care discipline in rural or frontier counties, place students in rural or frontier counties for hands-on instruction and training, and award scholarships to students in the rural track. In order to receive a scholarship, a student must commit to working as a health-care professional in a rural or frontier county for 2 years after completing education and training.

The rural office at the university of Colorado's school of medicine (rural program office) provides technical assistance to the institutions operating a rural track regarding recruiting and admitting students committed to working in rural areas and identifying rural or frontier counties in which students may be placed for clinical training. The rural program office also facilitates, arranges, or advises an institution about arranging housing for students placed in a rural or frontier county. The rural program office must provide, without charge,

to institutions operating a rural track, didactic curriculum related to practicing in rural or frontier counties. The act requires the rural program office to annually evaluate the effectiveness of the initiative and report to the general assembly's education committees about the initiative.

The act requires the department of higher education (department) to enter into limited purpose fee-for-service contracts to provide funding for the rural program office to carry out its duties related to the initiative. The department is also required to enter into limited purpose fee-for-service contracts with institution governing boards to operate a rural track in programs specified in the act. The department is required to allocate money to Colorado mountain college to establish a rural track in its nursing program.

The act appropriates \$1,200,000 to the department from the general fund for fee-for-service contracts and allocations for the initiative.

APPROVED by Governor June 1, 2022

EFFECTIVE June 1, 2022

S.B. 22-192 Credential attainment - stackable credential pathway - appropriations. The act requires:

- The department of higher education (department), in consultation with state institutions of higher education (institutions) and a business organization or industry representative, to develop and implement a process that encourages institutions to identify incremental achievements on the path to degree completion, organize stackable credentials, and identify how credentials may be evaluated and then may become stacked into stackable credential pathways to provide increased access to employment and may result in a degree;
- The department to facilitate the creation of stackable credential pathways for at least 3 growing industries by January 1, 2024, and at least 2 more growing industries by January 1, 2025;
- The general assembly to appropriate \$1 million to the department from the workers, employers, and workforce centers cash fund for the 2022-23 fiscal year; and
- The department of higher education to submit a report to the education committees regarding implementation of the act that includes data collected by institutions to measure the total number of credits, credentials, certificates, and professional licenses earned in each pathway at each institution and the funding allocated and distributed to implement the act.

The act requires the department to allocate and disburse funds to community and technical colleges and local district colleges to fund student access to nondegree credential programs. The general assembly is required to appropriate \$1.8 million to the department for this purpose for the 2022-23 fiscal year.

The act requires the general assembly to appropriate \$800,000 to the department of education for the adult education and literacy grant program for the 2022-23 fiscal year.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

H.B. 22-1012 Colorado state university - state forest service - carbon accounting framework for healthy forests - transfers - appropriation. The act requires the state forest service, on and after September 1, 2022, to develop a publicly accessible statewide carbon accounting framework that yields carbon stock and flux estimates for:

- Ecosystems by county and forest cover type; and
- Wood products.

The state forest service must also develop a forest carbon co-benefit framework for project-level forest management practices, including wildfire mitigation. The state forest service must use this framework to train practitioners in adaptive management practices to be incorporated into current forest management practices, including wildfire mitigation. The state forest service must provide technical expertise to assist industry and landowners with carbon inventories and monitoring.

The act also allows money from the existing healthy forests and vibrant communities fund to be used for new purposes, including the new statewide carbon accounting framework.

For the 2022-23 state fiscal year, the act:

- Transfers \$3,000,000 and appropriates \$95,407 from the general fund to the healthy forests and vibrant communities fund;
- Transfers \$2,200,000 from the general fund to the forest restoration and wildfire risk mitigation grant program cash fund; and
- Transfers \$2,00,000 from the general fund to the wildfire mitigation capacity development fund.

APPROVED by Governor June 3, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1049 Transcript withholding - limitations on postsecondary institution. The act authorizes a postsecondary institution to refuse to provide a transcript or diploma to a current or former student on the grounds that the student owes a debt for tuition, room and board fees, or financial aid funds, unless the student owes a debt other than a debt for tuition, room and board fees, or financial aid funds, or if the student can demonstrate that the transcript or diploma is needed for certain purposes.

If a postsecondary institution provides a transcript or diploma to a current or former student, the act prohibits the postsecondary institution from:

- Conditioning the provision of a transcript or diploma on the payment of a debt, other than a fee charged to provide the transcript or diploma;
- Charging a higher fee to obtain a transcript or diploma or providing less favorable treatment in response to a transcript or diploma request because a current or former student owes a debt; or
- Using transcript or diploma issuance as a tool for debt collection.

The act requires each postsecondary institution to adopt a policy that outlines the process by which a student may obtain a transcript or diploma and the circumstances under which a transcript or diploma may be withheld from a current or former student.

Beginning July 1, 2024, the act requires each postsecondary institution to annually report certain information to the department of higher education concerning transcript, diploma, and registration holds.

The act authorizes the student loan ombudsperson (ombudsperson) to provide information to the public regarding the limits on withholding a transcript or diploma and authorizes the ombudsperson and the administrator of the "Uniform Consumer Credit Code" (administrator) to receive complaints from a current or former student who has had a transcript or diploma withheld.

Beginning January 2025, the act requires the attorney general's office to compile data on the complaints received by the ombudsperson and the administrator concerning transcript and diploma holds and report the data through the annual SMART act hearing.

APPROVED by Governor April 21, 2022

EFFECTIVE April 21, 2022

H.B. 22-1107 Inclusive higher education grant program - administering entity - appropriation. The act creates in the department of higher education (department) the inclusive higher education grant program to provide grants to state institutions of higher education for the purpose of establishing, or expanding existing, inclusive higher education programs for students with intellectual and developmental disabilities.

The act requires the department to contract with an organization that has demonstrated success in assisting students with intellectual and developmental disabilities attend institutions of higher education to administer the grant program, perform annual evaluations of the grant recipients, and produce an annual report that is submitted to the education committees of the house of representatives and the senate.

The act appropriates \$450,000 from the general fund to the department of higher education to implement the act.

APPROVED by Governor May 26, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1155 Tuition - in-state classification - Colorado high school graduates. The act repeals the requirement that an institution of higher education (institution) must classify a student, other than a nonimmigrant alien, as an in-state student for tuition purposes if the student has attended a Colorado high school for 3 years and been admitted to college within 12 months of graduating or completing an equivalency examination. Instead, the act requires an institution to classify a student as an in-state student for tuition purposes if the student:

- Either attended a public or private high school for one year immediately preceding the date the student graduated from a Colorado high school or was

- physically present in Colorado for at least one year immediately preceding the date the student successfully completed a high school equivalency examination in Colorado; and
- Has been physically present in Colorado for at least 12 consecutive months prior to enrolling in an institution.

The act clarifies that a student who is classified as an in-state student because the student meets the requirements in the act is an in-state student for the purposes of determining whether an institution meets the minimum required percentage of in-state students in an incoming freshman class.

Because the act repeals the requirement to be admitted to college within 12 months of graduation, the act also repeals the exception to that requirement for a student who does not have lawful immigration status and graduated or successfully completed the equivalency examination prior to September 1, 2013.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

H.B. 22-1192 Student financial assistance - Colorado opportunity scholarship initiative - displaced workers grant - appropriation. The act codifies the department of higher education's Colorado opportunity scholarship initiative's (initiative) displaced workers grant and extends the authority for the initiative to use a \$13,050,000 appropriation received in the 2020-21 state fiscal year for the displaced workers grant to disperse grant awards to grant recipients through the 2023-24 state fiscal year.

APPROVED by Governor March 7, 2022

EFFECTIVE March 7, 2022

H.B. 22-1220 American Rescue Plan Act - educator retention - assessment of professional competencies - stipend programs - loan forgiveness - appropriation. The act creates the student educator stipend program. The purpose of the student educator stipend program is to award stipend money to an eligible student to reduce financial barriers to participating in an academic residency as a student educator. An eligible student placed as a student educator in a 16-week academic residency may receive a stipend of \$11,000, and an eligible student placed as a student educator in a 32-week academic residency may receive a stipend of \$22,000.

The act also creates the educator test stipend program. The purpose of the educator test stipend program is to award stipend money to approved programs of preparation to reduce financial barriers for eligible students preparing for the assessment of professional competencies for licensure and each required endorsement area. An eligible student may receive a stipend to pay the fees and costs associated with the assessment of professional competencies, which may include travel and lodging costs.

The act creates the temporary educator loan forgiveness program. The purpose of the program is to pay the qualified loans of an educator who is hired for a hard-to-staff educator position. To qualify for the program, an educator must meet licensure requirements, enter the educator workforce on or after the 2019-20 state fiscal year and contract for a qualified position no later than the end of the 2021-22 state fiscal year, and be liable for an outstanding balance on a qualified loan. An educator who qualifies is eligible for up to

\$5,000 in loan forgiveness.

Beginning in the 2023-24 academic year, the act allows applicants for initial and professional teacher licenses who did not demonstrate professional competencies prior to obtaining an initial teacher license to demonstrate professional competencies through the multiple measures approach. The multiple measures approach allows applicants to demonstrate professional competencies by successfully completing an approved content-based or performance based assessment, successfully completing an examination by a review panel of an approved portfolio of course work, submitting evidence of achieving sufficiently high education course work grades on course work aligned with relevant standards, or a combination of the measures described. The review panel may examine a portfolio of course work for up to one thousand applicants for initial teacher licenses.

The act requires the department of education (department), in collaboration with the department of higher education, institutions of higher education, the state board for community colleges and occupational education, and school districts, to recommend to the state board of education (state board) the standards and procedures necessary to implement the multiple measures approach to measure the professional competencies of an applicant for an initial teacher license. The state board shall promulgate rules to establish the standards and procedures to measure professional competencies through the multiple measures approach.

The act allows the department to issue an interim authorization to a person who is seeking an alternative teacher license and meets the requirements for an alternative teacher license, except that the person has not yet successfully completed the assessment of professional competencies to obtain an alternative teacher license.

For the 2022-23 state fiscal year, \$52 million is appropriated to the department of higher education from the economic recovery and relief cash fund to be distributed to the following programs:

- \$39 million for the student educator stipend program;
- \$3 million for the educator test stipend program; and
- \$10 million for the temporary educator loan forgiveness program.

For the 2022-23 state fiscal year, \$720,612 is appropriated to the department from the general fund to implement the purposes of the act.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

H.B. 22-1255 Students with a disability - improving outcomes. Beginning in 2024, the act requires the department of higher education (department) to submit, as a part of its annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing, data related to postsecondary outcomes for students with a disability. The department shall gather the data in collaboration with institutions of higher education (institutions).

The act creates the postsecondary services advisory committee (committee) in the department for the purpose of making recommendations to institutions and the general assembly concerning necessary services and best practices to improve successful outcomes

for students with disabilities at institutions. The committee is required to complete and submit a report to the education committees of the house of representatives and the senate by June 15, 2023, and June 14, 2024. The committee is repealed on June 30, 2024.

APPROVED by Governor April 21, 2022

EFFECTIVE April 21, 2022

H.B. 22-1280 Institution of higher education - name change. The act changes the name of Pikes Peak community college to Pikes Peak state college.

APPROVED by Governor April 22, 2022

EFFECTIVE April 22, 2022

H.B. 22-1349 Student success - postsecondary and workforce success measures - data system - appropriation. The act requires the Colorado commission on higher education (commission) to enact a policy directing the department of higher education (department) to develop student success measures that measure the progression of students through postsecondary education and the impact of postsecondary pathways on a student's career opportunities and success. The student success measures must include postsecondary success measures and workforce success measures.

The act requires the department to create and maintain a statewide student success data system that includes institution-specific interfaces and a public interface. An institution interface includes student success data that may be more timely, more granular, appears in a different format, or include functionality that is different from information provided on the public interface. The public interface includes student success information that is aligned with the student success measures and must allow a user to view and compare student workforce success information for specific institutions of higher education in Colorado. The commission determines the information included in the public interface and how that information is disaggregated by various student populations, such as populations identified by race, ethnicity, gender, and socioeconomic factors. The department may include in the statewide data system employment and wage outcome data of a workforce development or training program that joins the data system.

The act requires the commission to use the data included in the institution and statewide data system to examine educational and workforce success disparities among various student populations. The act requires the commission to facilitate information sharing among institutions about practices implemented by an institution based on data learned from the data system.

The department may enter into an agreement with a third party to create and maintain the data system. The act requires the department to update and modernize its data collection systems to facilitate the collection of student success data.

The act appropriates \$3 million from the workers, employers, and workforce centers cash fund to the department for the data system. The appropriation is from the money in the cash fund that originated from the general fund.

APPROVED by Governor June 3, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

H.B. 22-1365 Southern Colorado institute of transportation technology. The act creates the southern Colorado institute of transportation technology (institute) at Colorado state university - Pueblo, which is designated as the host institution for the institute, and specifies that the role and mission of the institute is to conduct research related to the safety, security, and innovation of railroad, ground, and intermodal transportation and general issues related to surface transportation problems in the state. The institute must also support government and academic surface transportation related research and serve as a competitive funding resource for small Colorado businesses developing and testing surface transportation technologies.

The act also:

- Establishes a governing board for the institute, requires the institute to have a director, and specifies the powers and duties of the governing board and the director;
- Requires the institute to annually report to the joint budget committee and education committee of the general assembly; and
- Specifies a process by which Colorado state university - Pueblo may opt out of being the host institution for the institute.

APPROVED by Governor May 27, 2022

EFFECTIVE May 27, 2022

H.B. 22-1393 Auraria higher education center - displaced Aurarian scholarship - appropriation. The act creates the displaced Aurarian scholarship (scholarship) to fully fund scholarships to attend Metropolitan state university of Denver, the university of Colorado at Denver, or the community college of Denver for descendants of people displaced by the development of the Auraria higher education center.

The act requires Metropolitan state university of Denver, the university of Colorado at Denver, and the community college of Denver, in collaboration, to establish criteria for scholarship recipients.

The act appropriates \$2 million from the general fund to the department of higher education to be distributed equally to Metropolitan state university of Denver, the university of Colorado at Denver, and the community college of Denver for the scholarships.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1407 Audit courses - veteran eligibility. The act requires an institution of higher education that has a program or policy that permits a person to audit courses for no credit to permit a veteran to audit courses, subject to any other requirements of the program or policy. An institution may set and collect a fee of no more than \$10 per course audited by a veteran for up to three courses per academic semester. The institution may permit a veteran

to audit additional courses for a different fee. The general assembly encourages each institution that does not have an existing audit program or policy to permit veterans to audit courses for no credit. A veteran auditing a course is not an eligible student for the purposes of receiving a college opportunity fund stipend.

APPROVED by Governor May 27, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

ELECTIONS

S.B. 22-152 Residency for purposes of voting - residence destroyed or rendered uninhabitable. The act allows a person whose residence has been destroyed or rendered uninhabitable by a natural disaster or by other means to maintain residency for purposes of voting at the address of the destroyed residence if the person intends to return to the residence once it is replaced or becomes habitable. In such a case, the person's residence given for motor vehicle registration and for state income tax purposes is not required to be the same as the person's residence for voting purposes.

APPROVED by Governor April 13, 2022

EFFECTIVE April 13, 2022

S.B. 22-153 Election security - election official certification program - criteria to serve as designated election official - county payment for use of voting system in instant runoff voting election - security of voting equipment - voting systems - access to electronic voting equipment components - policies of secretary of state for carrying out election duties - appropriation. The act increases election security measures for the secretary of state's office, election officials, candidates for elective office, and voters.

Section 4 of the act requires the district court and the supreme court, if applicable, to expedite scheduling and the issuance of any orders in connection with an enforcement action brought by the attorney general or the secretary of state to enforce the provisions of the election code to ensure that a final ruling is made within specified periods.

Section 5 requires a designated election official for a county, a coordinated election official for a county, and employees in the election division of the department of state (department), at the discretion of the secretary of state, to complete a certification program for election officials provided by the secretary of state (certification program). The secretary of state is strongly encouraged to complete the certification program. Employees, designated election officials, and coordinated election officials are required to complete the certification program within a specified period and may not serve as the designated election official for a county or the coordinated election official for a county without completing the certification program. Section 6 requires that the certification program curriculum include courses in voter registration and list maintenance, accessibility, coordinated elections, mail ballot and in-person voting processes, voting systems testing, risk-limiting audits, and canvass.

Section 7 specifies that a person is ineligible to serve as a designated election official for a county or as a coordinated election official if the person has been convicted of an election offense or of committing or conspiring to commit sedition, insurrection, treason, conspiracy to overthrow the government, or another similar federal offense.

Section 8 requires the secretary of state to invoice any county that uses a voting system in an instant runoff voting election for its share of the cost as a proportion of the number of registered active voters in all participating municipalities in that county compared to the total number of registered active voters in all participating municipalities in the state as determined by the secretary of state.

Section 9 modifies the prohibition for certain elected officials or candidates for elective office from preparing, maintaining, or repairing any voting equipment or device that is to be used in an election to apply to any contact with the voting equipment or device,

rather than just physical contact. In a political subdivision with a population of 100,000 or more, section 9 also prohibits any elected official, any candidate for elective office, and the secretary of state from having key card access to or being present in a room with components of a voting system without being accompanied by one or more persons with authorized access.

Section 10 requires that for elections conducted under the "Uniform Election Code of 1992", the governing body of any political subdivision is required to adopt an electronic or electromechanical voting system to be used for tabulating votes at all elections held by the political subdivision. This requirement does not apply to counties with fewer than 1,000 active electors at the date of the last general election.

Section 11 prohibits a county from creating, permitting any person to create, or disclosing to any person an image of the hard drive of any voting system component without the express written permission of the department.

Section 12 specifies that if a software or hardware malfunction makes it impossible to count all or a part of the ballots with electronic vote-tabulating equipment, the secretary of state, after consultation with the designated election official, may permit the designated election official to direct that such ballots be counted manually.

Section 13 requires a designated election official to keep all components of a voting system in a location where entry is controlled by use of a key card access system and that is under video security surveillance recording. The designated election official is required to ensure that records in connection with access to the location of the voting system and video recordings of the location are created and maintained for specified periods. Section 3 defines terms in connection with these requirements.

Section 13 also directs the general assembly to appropriate the following amounts for the 2022-23 state fiscal year:

- One million dollars from the general fund to the department to administer a grant program, which is created by the act, to provide assistance to counties in complying with the security requirements of the act; and
- \$117,000 from the department of state cash fund to the department to assist the state and counties with assessing potential risks to the proper administration of elections.

In addition, section 13 requires the general assembly to make appropriations for the 2023-24 state fiscal year and each state fiscal year thereafter from the department of state cash fund to the department to assist the state and counties with assessing potential risks to the proper administration of elections.

Section 14 states that if a majority of a canvass board in a county is unable to or does not certify the abstract of votes for any reason by the applicable deadline, the secretary of state is required to review the noncertified abstract of votes and other evidence provided by the canvass board. If, after review, the secretary of state determines that the noncertified abstract of votes is sufficiently explicit in showing how many votes were cast for each candidate, ballot question, or ballot issue, the secretary of state is required to certify the results for the county and proceed to certifying state results.

Section 15 specifies that in addition to complying with certain existing rules of the

secretary of state when carrying out the duties of the secretary of state, a person is also required to comply with other policies of the secretary of state, including the acceptable use policy for the statewide voter registration system, when carrying out such duties. Section 15 also specifies that any person who willfully interferes with a person in notifying or obstructs a person from notifying the department of a potential violation or retaliates against a person for providing such notice is subject to current penalties for election offenses.

Section 16 prohibits a person from accessing electronic voting equipment or an election-night reporting system without authorization and specifies that a person who accesses such equipment or system is guilty of a class 5 felony. Section 16 also specifies that an authorized person who knowingly publishes or causes to be published passwords or other confidential information relating to a voting system will immediately have their authorized access revoked and is guilty of a class 5 felony.

APPROVED by Governor June 2, 2022

EFFECTIVE June 2, 2022

S.B. 22-237 Campaign finance - Fair Campaign Practices Act - definitions - earmark - issue committee - direct ballot issue or ballot question expenditure - reporting requirements - appropriation. The act expands the definition of "earmark" for purposes of the "Fair Campaign Practices Act" to include contributions or expenditures greater than \$1,000 to support or oppose a specified ballot issue or ballot question.

The act also modifies the process to determine whether an organization is an issue committee to include an examination of the organization's pattern of conduct based upon whether the organization:

- During the combined period of the current calendar year and the preceding 2 calendar years, made either contributions to one or more statewide Colorado issue committees or direct ballot issue or ballot question expenditures, in either support of or opposition to one or more statewide Colorado ballot issues or ballot questions, that exceeded 30% of the total expenditures by the organization for any purpose and in any location during the entire preceding and current calendar years;
- During the combined period of the current calendar year and the preceding 2 calendar years, made either contributions to a single statewide Colorado issue committee or direct ballot issue or ballot question expenditures, in either support of or opposition to a single statewide Colorado ballot issue or ballot question, that exceeded 20% of the total expenditures by the organization for any purpose and in any location; or
- Acted as an issue committee's funding intermediary by making contributions to an issue committee from funds earmarked for the issue committee.

Further, the act defines "direct ballot issue or ballot question expenditure" as direct spending in support of or opposition to any single ballot issue or ballot question by a person who does not otherwise meet the requirements of an issue committee. Contributions to an issue committee are not direct ballot issue or ballot question expenditures. Any person who expends \$5,000 in aggregate in a calendar year on direct ballot issue or ballot question expenditures must report to the secretary of state, and any person who makes a direct ballot issue or ballot question expenditure must disclose their name in certain communications about a ballot issue or ballot question.

For the 2021-22 state fiscal year, \$30,000 is appropriated from the department of state cash fund to the department of state technology division for information technology personal services to implement the act. For the 2022-23 state fiscal year, \$14,309 is appropriated from the department of state cash fund to the department of state election division for personal services, based on an assumption that the division will require an additional 0.3 FTE to implement the act.

APPROVED by Governor June 7, 2022

PORTIONS EFFECTIVE June 7, 2022
PORTIONS EFFECTIVE September 1, 2022

H.B. 22-1044 Vacancy appointments - vacancy committees. Under current law, a vacancy in the office of many political officials is filled by a vacancy committee. A vacancy committee is selected by the relevant central committee. The act requires central committees to include at least all of the members of the relevant central committee on a vacancy committee.

APPROVED by Governor April 12, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1060 Contribution limits - candidates for school district director - aggregate limits on persons other than small donor committees and for contributions from small donor committees - disclosure of contribution information - appropriation. Current law regulating campaign finance does not set limits on contributions to candidates for school district director.

The act:

- Sets aggregate limits on contributions to candidates for school district director from persons other than small donor committees for any regular biennial or special school election in the amount of \$2,500; and
- Sets aggregate limits on contributions to candidates for school district director from small donor committees for any regular biennial or special school election in the amount of \$25,000.

The act requires that these aggregate contribution limits be periodically adjusted for inflation consistent with other contribution limits.

The new contribution limits are subject to existing statutory provisions governing the disclosure of campaign contributions.

The act contains requirements governing when a candidate for school district director is required to disclose information concerning campaign contributions and clarifies that such candidates are required to file their disclosure with the secretary of state.

The act applies to the portion of any election cycle or for the portion of the calendar year remaining after July 1, 2022, and for any election cycle or calendar year commencing after said date.

For the 2022-23 state fiscal year, the act appropriates \$7,500 to the department of state for hardware/software maintenance required for the act's implementation.

APPROVED by Governor April 13, 2022

EFFECTIVE July 1, 2022

H.B. 22-1086 Polling places - restrictions on firearms. The act prohibits a person from openly carrying a firearm within any polling location or central count facility, or within 100 feet of a ballot drop box or any building in which a polling location or central count facility is located, while an election or any related ongoing election administration activity is in progress. The designated election official responsible for any central count facility, polling location, or drop box involved in that election cycle shall visibly place a sign notifying persons of the 100-foot no open carry zone for firearms.

Exceptions are made for persons who own private property within the 100-foot buffer zone to carry a firearm on the private property; peace officers acting within the scope and authority of their duties to carry a firearm; and uniformed security guards employed by a contract security agency acting within the scope of the authority granted by and in the performance of a contractual agreement for the provision of security services with a person or entity that owns or controls the facility, building, or location.

Openly carrying a firearm inside or within 100 feet of a polling location, central count facility, or drop box is a misdemeanor, punishable by a maximum \$1,000 fine, up to 364 days imprisonment in the county jail, or both; except that, for a first offense, the fine shall not exceed \$250 and the sentence of imprisonment shall not exceed 120 days.

APPROVED by Governor March 30, 2022

EFFECTIVE March 30, 2022

H.B. 22-1156 Personal financial disclosure under public official disclosure law - post-election report requirements under "Fair Campaign Practices Act" - elimination of duplicative reporting requirements. Under the "Fair Campaign Practices Act" ("FCPA"), the candidate committees of candidates for statewide offices must submit a post-election report disclosing contributions and expenditures 30 days after the major election in election years. The committees of candidates for county, special district, and municipal offices must submit a post-election report 30 days after the primary election, where applicable, and 30 days after the major election in election years. Under the public official disclosure law ("PODL"), elected candidates and incumbents are required to file a personal financial disclosure statement and an annual update to the personal financial disclosure statement. Under the FCPA, candidates are required to file a disclosure statement.

The act changes the post-election report filing deadline from 30 days to 35 days and exempts a political party committee from the requirement of filing a report of a major contribution during an off-election year.

The act exempts candidates seeking reelection who have filed their annual update to the personal financial disclosure statement under the PODL from the requirement of filing a disclosure statement under the FCPA.

The act further clarifies that an incumbent seeking reelection who files an annual update to the personal financial disclosure statement under the PODL is exempt from the

requirement of filing a disclosure statement under the FCPA.

APPROVED by Governor April 18, 2022

EFFECTIVE April 18, 2022

H.B. 22-1273 Election officials - interference and intimidation prohibited - protection of personal information. The act makes it unlawful for a person to threaten, coerce, or intimidate an election official with the intent to interfere with the performance of the official's duties or with the intent to retaliate against the official for the performance of the official's duties. The prohibition does not apply to an enforcement action taken by the secretary of state to enforce state election laws or to an enforcement action take by a designated election official against an election judge who has violated a statute, a rule promulgated by the secretary of state, or the election judge's oath.

The act also prohibits a person from making the personal information of an election official or an election official's immediate family publicly available on the internet if the person knows or reasonably should know that doing so will pose an imminent and serious threat to the election official or the election official's immediate family. For the purposes of this restriction, "election official" is defined to include a county clerk and recorder, a municipal clerk, an election judge, a member of a canvassing board, a member of a board of county commissioners, a member or secretary of a board of directors authorized to conduct public elections, a representative of a governing body, or any other person contracted for or engaged in the performance of election duties.

An election worker may file a request with a state or local official to remove personal information from records that the official makes available on the internet. The request must include an affirmation under penalty of perjury that the election worker has reason to believe that the dissemination of the election worker's personal information on the internet poses an imminent and serious threat to the safety of the election worker. After receiving a request from an election worker, the state or local official is also required to deny access to the personal information in response to a request for records under the "Colorado Open Records Act"; except that a party to a record, settlement service, title insurance agency, mortgage servicer or mortgage servicer's agent, and an attorney engaged in a real estate matter may access records maintained by a county recorder, county assessor, or county treasurer. For purposes of this protection, "election worker" is defined to include a county clerk and recorder, county election staff, a municipal clerk, municipal election staff, the secretary of state, and the secretary of state's election staff but does not include an election judge or a temporary employee.

APPROVED by Governor June 2, 2022

EFFECTIVE June 2, 2022

FINANCIAL INSTITUTIONS

S.B. 22-142 Municipal bond supervision advisory board - repeal. The act repeals the municipal bond supervision advisory board.

APPROVED by Governor April 15, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GENERAL ASSEMBLY

S.B. 22-62 General assembly - committee on legal services - rules - polling. The act directs the committee on legal services (committee) to adopt its own rules of procedure. The act authorizes the committee to approve questions concerning retention of legal counsel by poll of the committee in lieu of a meeting, unless a committee member objects. If the committee approves retention of counsel by poll, the committee must give public notice of the vote to retain counsel, including the name of the legal counsel to be retained, the legal matter for which the legal counsel will provide representation, and the entity or individual that the legal counsel will represent.

APPROVED by Governor March 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-104 Tribal nations - inclusion in state grant and benefit programs - report. The act requires new and amended state statutes that enumerate or define local government entities or agencies that are eligible for state grant or benefit programs to also designate tribal nations with jurisdiction in Colorado as eligible recipients if legal and appropriate. The legislative council staff is required to submit a report to the legislative council by December 1, 2022, identifying state grant programs in statute and whether those programs include tribal governments as eligible recipients.

The office of the Colorado commission on Indian affairs is required, in consultation with the Ute Mountain Ute Tribe and the Southern Ute Indian Tribe, to submit a report to the legislative council by March 1, 2023, identifying opportunities for tribal governments to be included in the operations or programs of the state as a partner, assessing whether the Colorado commission on Indian affairs can facilitate or provide those opportunities, and recommending other ways for the state to facilitate or provide those opportunities.

APPROVED by Governor May 24, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-105 Annual address to joint session of the general assembly - Ute Mountain Ute Tribe and Southern Ute Indian Tribe. The speaker of the house of representatives (speaker) and the president of the senate (president) are required to invite representatives from the Ute Mountain Ute Tribe and the Southern Ute Indian Tribe to give an address to a joint session of the general assembly on an annual basis. The date and time of the address is determined on an annual basis by the speaker, the president, and the designated representatives of the Ute Mountain Ute Tribe and the Southern Ute Indian Tribe.

APPROVED by Governor April 11, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-184 Members of the general assembly - compensation - exceptions to requirement of forfeiting compensation for absences. The act allows a member of the general assembly who is absent when the general assembly is in session for a long-term illness, parental leave in excess of the permitted maximum period, or another similar purpose, subject to approval by the president of the senate or the speaker of the house of representatives, respective to the member's house, to be exempted from forfeiture of their compensation. Previously, the exemption from forfeiture of compensation was only for an approved absence for a long-term illness. The act also allows a member of the general assembly to receive compensation for an absence due to parental leave for a maximum of 12 weeks, plus up to an additional 4 weeks for a serious health condition related to complications of pregnancy or childbirth.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-218 Sunset review process - sunset bills - sponsorship. Current law provides that, for bills introduced pursuant to the sunset review process:

- The speaker of the house of representatives shall assign the proposed bill to a representative for sponsorship in the house of representatives in odd-numbered years; and
- The president of the senate shall assign the proposed bill to a senator for sponsorship in the senate in even-numbered years.

The act requires that before assigning bill sponsors, the speaker of the house of representatives and the president of the senate must consult with their respective minority leaders and receive permission from the sponsor to be named to the sunset bill.

APPROVED by Governor June 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1063 Jail standards - legislative oversight committee - commission - report - appropriation. The act creates the legislative oversight committee (committee) concerning Colorado jail standards and the Colorado jail standards commission (commission) in the legislative branch. The committee consists of 6 members of the General Assembly and oversees the commission. The committee may introduce up to 3 pieces of legislation in the 2024 session based on recommendations from the commission.

The commission recommends standards for the operation of Colorado's county jails (jails). The commission consists of the following 22 members:

- 5 sheriffs or senior jail administrators;
- 2 county commissioners;
- 3 people with lived experience of being incarcerated or having a family member who is or was incarcerated in a jail;

- One mental health professional with experience working in a jail;
- One person representing competency services;
- One person representing the behavioral health administration;
- One person representing police officers;
- One person representing a lesbian, gay, bisexual, transgender, or queer advocacy organization;
- One person representing an organization advocating for the rights of people with disabilities;
- One person representing an organization advocating for the rights of communities of color;
- One person representing an organization advocating for the rights of persons with mental or physical disabilities;
- One non-law-enforcement person with experience working in a jail;
- The state public defender or the state public defender's designee;
- One district attorney; and
- One person representing the department of public safety with expertise in jail operations.

The commission shall recommend standards for all aspects of jail operations as follows:

- Reception and release;
- Classification of inmates;
- Security;
- Housing;
- Sanitation and environmental conditions;
- Communication;
- Visitation;
- Health care, mental and behavioral health care, and dental care;
- Food service;
- Recreation and programming;
- Inmate disciplinary processes;
- Restrictive housing;
- Inmate grievances;
- Staffing; and
- Inmates' prerogatives.

The commission shall complete a report that includes its recommendations regarding the feasibility of jails of various sizes and their ability to implement the recommendations and present it to the committee for approval by November 15, 2023.

The act repeals the committee and commission on July 1, 2024.

The act appropriates \$96,039 from the general fund to the legislative department.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

H.B. 22-1330 Corrections appropriations - suspend 5-year appropriation. Under current law, when the general assembly passes a bill that causes a net increase in the period of imprisonment, the general assembly is required to appropriate money to cover the costs of

that imprisonment for the next 5 years. The act suspends that requirement until July 1, 2025, and repeals all of the current statutory 5-year appropriations.

APPROVED by Governor April 15, 2022

EFFECTIVE April 15, 2022

H.B. 22-1413 Legislative committees - remote testimony - establish policies - appropriations. Under current law, the executive committee of the legislative council committee of the general assembly is permitted to establish policies allowing legislative committees to take remote testimony from one or more centralized remote sites around the state. The act repeals that provision and allows the executive committee of the legislative council to establish policies allowing legislative committees to take testimony from government officials and employees and the public.

The act reduces general assembly general fund appropriation in the legislative appropriation act by \$10,000 and appropriates \$401,709 from the general fund to legislative council to implement the act.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

GOVERNMENT - COUNTY

S.B. 22-75 Cemetery districts - board of directors - authority of board of county commissioners to remove. The act allows a board of county commissioners, which appoints directors to a board of directors for a cemetery district, to remove any director from such a board for cause after giving the director notice and an opportunity to be heard at a public hearing.

APPROVED by Governor March 21, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1300 Local enforcement - resolution or ordinance - prevention of human trafficking-related offenses. The act allows a board of county commissioners (board) to adopt a local resolution or ordinance to establish business licensure requirements to regulate massage facilities for the sole purpose of deterring illicit massage businesses and preventing human trafficking. If a board adopts a resolution or ordinance to establish business licensure requirements, the board may only include the business licensure requirements outlined in the act. The act allows the board to charge an administrative licensure fee for a massage facility.

The act allows a board to adopt a resolution or ordinance to regulate and prohibit activities to prevent the operation of illicit massage businesses that engage in human trafficking-related offenses.

If a municipality adopts a resolution or ordinance to license a massage facility or prohibit activities to prevent the operation of illicit massage businesses that engage in human trafficking-related offenses, the act requires municipal police departments to conduct background checks on the applicant's or licensee's criminal history and provide the municipality information to determine whether the applicant or licensee is approved or denied for a license based on the criminal history record information.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1362 Model energy codes - energy code advisory board - model electric and solar ready code - model low energy and carbon code - model green code - building electrification for public buildings grant program - high-efficiency electric heating and appliances grant program. The act requires the director of the Colorado energy office (office) and the executive director of the department of local affairs to appoint an energy code board (board) that will develop for adoption by counties, municipalities, and state agencies 2 sets of model codes. The director of the office and the executive director of the department shall also appoint an executive committee for the board. The board shall develop a model electric and solar ready code on or before June 1, 2023, and a model low energy and carbon code on or before July 1, 2025. The office shall, independent of the board, identify model green code language for adoption by counties, municipalities, and state agencies.

Every element of either model code adopted by the board must be approved by two-thirds of the board. If two-thirds of the board fail to adopt an element required by statute for either model code, the executive committee must vote on that element. An element of either model code must be approved by the majority of the executive committee to be adopted.

In the event of a conflict between the 2021 international energy conservation code, the 2024 international energy conservation code, the model electric ready and solar ready code, or any other model codes adopted by either a local government or divisions in the executive branch and either the Colorado plumbing code or the national electric code, the Colorado plumbing code or the national electric code prevails.

The act establishes when the office of the state architect, the division of housing, and the division of fire prevention and control must adopt and enforce codes that achieve equivalent or better energy performance than the codes adopted by the board as follows:

- On or before January 1, 2025, the office of the state architect, the division of housing, and the division of fire prevention and control shall adopt and enforce an energy code that achieves equivalent or better energy performance than the 2021 international energy conservation code and the model electric and solar ready code developed by the board; and
- On or before January 1, 2030, the office of the state architect, the division of housing, and the division of fire prevention and control shall adopt and enforce an energy code that achieves equivalent or better energy and carbon emissions performance than the model low energy and carbon code developed by the board.

Likewise, the act establishes when municipalities and counties must adopt and enforce codes that achieve equivalent or better energy performance than the codes adopted by the board as follows:

- On or after July 1, 2023, and before July 1, 2026, municipalities and counties that update a building code shall adopt and enforce an energy code that achieves equivalent or better energy performance than the 2021 international energy conservation code and the model electric and solar ready code developed by the board; and
- On or after July 1, 2026, municipalities and counties that update a building code shall adopt and enforce an energy code that achieves equivalent or better energy performance than the model low energy and carbon code language developed by the board.

However, rather than either the model electric and solar ready code or the model low energy and carbon code, a rural county that applies for and is not awarded a grant that significantly assists in energy code adoption and enforcement training is instead required to adopt and enforce an energy code that achieves equivalent or better energy performance than one of the 3 most recent editions of the international energy conservation code.

The act also creates 2 primary grant programs that will be administered by the office:

- The building electrification for public buildings grant program to provide grants to local governments, school districts, state agencies, and special

- districts for the installation of high-efficiency electric heating equipment; and
- The high-efficiency electric heating and appliances grant program to provide grants to local governments, utilities, nonprofit organizations, and housing developers for the installation of high-efficiency electric heating equipment in multiple structures within a neighborhood and the purchase of electrical installations and upgrades necessary to support the installation of high-efficiency electric equipment.

The clean air building investments fund, a continuously appropriated cash fund, is established by the act to fund the creation, implementation, and administration of both of these grant programs.

Lastly, the act also requires the following transfers from the general fund:

- \$3 million to the energy fund created for the office to issue grants and provide training related to the 2021 international energy conservation code, electric and solar ready codes, and low energy and carbon codes;
- \$150,000 to the energy fund created for the office for the costs associated with administering the board;
- \$10 million to the clean air building investments fund for the creation, implementation, and administration of the building electrification for public buildings grant program; and
- \$10,850,000 to the clean air building investments fund for the creation, implementation, and administration of the high-efficiency electric heating and appliances grant program.

APPROVED by Governor June 2, 2022

EFFECTIVE June 2, 2022

GOVERNMENT - LOCAL

S.B. 22-2 Fire suppression - compensation for wildland fire suppression activities - resources for volunteer firefighters - local firefighter safety and disease prevention fund - multiple employer behavioral health care trust - appropriation. The act allows fire departments, including fire protection districts and volunteer fire departments, to be compensated from certain state funding sources for wildland fire suppression activities conducted in the fire department's jurisdiction if the fire department relies primarily or solely on volunteer firefighters, the fire exceeds the department's capacity to extinguish or control, and the period of mutual aid has ended. The fire department must use money received to compensate volunteer firefighters in accordance with guidelines adopted by the division of fire prevention and control (division) in the annual wildfire preparedness plan. Boards of county commissioners are authorized to reimburse fire departments from county funds for wildland fire suppression activities conducted within the fire department's jurisdiction in the same circumstances.

The act amends the existing local firefighter safety and disease prevention fund (fund) to require the division to give priority in awarding grants to governing bodies and volunteer fire departments that:

- Have lost tax revenues as a result of decreased assessment values due to a wildland fire within their jurisdiction in the previous 5 years;
- Rely solely or primarily on volunteer firefighters and serve communities affected by wildland fires; or
- Demonstrate the greatest need for additional funding to ensure the safety of volunteer and seasonal firefighters.

In addition, money in the fund may be used to reimburse a multiple employer behavioral health trust (trust) for the direct costs of providing a behavioral health care to firefighters. In fiscal year 2022-23, the reimbursement to a trust is limited to \$1 million. In subsequent years, the fire service training, certification, and firefighter safety advisory board makes recommendations on the amount that should be used for this purpose.

The division is also authorized to directly purchase and distribute equipment and pay for training for governing bodies and volunteer fire departments without requiring a grant application. The general assembly is required to appropriate \$1 million to the fund for fiscal year 2022-23, and to appropriate \$5 million to the fund in each of fiscal years 2023-24 and 2024-25. On or before September 1, 2025, the staff of the joint budget committee is required to report on whether the amount of the annual appropriation should be adjusted based on current needs. The division is required to submit an annual report on expenditures from the fund to the wildfire matters review committee or a successor committee.

An entity that employs firefighters, including volunteer firefighters, is required to participate in a trust to provide behavioral health-care services to its firefighters. The division is required to reimburse the trust for its direct costs, and if the available funding is insufficient, the requirement for employers to participate becomes optional. The trust is required to provide a program of basic services to firefighters for the prevention, diagnosis, and initial treatment of emotional, behavioral, or mental health disorders. The services are provided primarily on an outpatient basis, including telephonically or remotely. The trust is authorized to further define the services and benefits available and to adopt policies and procedures for the administration of the trust. The trust is required to report, together with

the division, to the wildfire matters review committee on the extent to which the program is meeting the behavioral health-care needs of firefighters, the ongoing funding needs of the trust, and any other changes that are necessary to more effectively meet the behavioral health-care needs of firefighters.

\$1 million is appropriated from the general fund to the fund for use by the department.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

S.B. 22-65 County coroner - salary - full-time or part-time status designation. Beginning January 1, 2023, the act increases the salary of full-time newly elected or reelected category II county coroners to match the salary of category II county treasurers, assessors, clerks, and commissioners. The act allows the board of county commissioners to decline the full-time status of a category II county coroner for cause, but only after the coroner is given notice and an opportunity to be heard by the board of county commissioners in a public hearing.

The act allows category III and category IV county coroners to work full-time if full-time work is agreed upon in consultation with and approved by the county commissioners. For a category III or category IV county that has a full-time county coroner only, the act increases the salary of a newly elected or reelected county coroner to match the salary of the county treasurer, assessor, clerk, and commissioner.

APPROVED by Governor March 24, 2022

EFFECTIVE March 24, 2022

S.B. 22-146 Middle income access program - appropriation. The act appropriates \$25 million from the affordable housing and home ownership cash fund, which money originates from the general fund, to the department of local affairs (DOLA) for expansion of the middle income access program created and administered by the Colorado housing and finance authority (CHFA). The act requires the division of housing within DOLA to contract with CHFA for administration of the money appropriated.

APPROVED by Governor May 16, 2022

EFFECTIVE May 16, 2022

S.B. 22-187 Recovery program for persons who wander - grant program - website. The act expands the grant program administered by the Colorado bureau of investigation (CBI) that assists counties in implementing recovery programs for persons who wander (grant program). A recovery program for persons who wander (recovery program), currently known as a lifesaver program, is a program under which a participant has a device that may be used to assist in attempting to electronically locate the participant.

The act expands the grant program to apply to recovery programs established or maintained by counties and municipalities (local governments) or local government designees. The act also removes a limit on the amount of any single grant and a nonbinding intent statement regarding the maximum amount of money that the general assembly should spend on the grant program. Further, the act allows the executive director of the department of public safety to award grants to assist in maintaining and implementing recovery programs.

The act also requires the CBI to establish a website that lists those local governments and local government designees that have a recovery program, describes how to contact those local governments and local government designees, lists resources for caretakers of persons with medical conditions that cause wandering, provides procedures to follow when a participant of a recovery program is determined to be missing, describes how the technology used by the various local governments and local government designees for recovery programs works, and provides any other information the CBI may conclude is necessary to better explain and publicize recovery programs.

\$100,000 is appropriated from the general fund to the recovery program for persons who wander cash fund for use by the CBI for operating expenses related to the Colorado crime information center and related personal services.

APPROVED by Governor May 26, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1011 Wildfire mitigation incentives for local government grant program - forest service administration - state funding assistance to supplement local forest management or wildfire mitigation efforts - program fund - sunset review. The act establishes the wildfire mitigation incentives for local government grant program (grant program) in the Colorado state forest service (forest service). The grant program is established to provide state funding assistance in the form of grant awards to local governments to either match revenue raised by such governments from a dedicated revenue source or to expand existing programs administered by the local government on a long-term basis, which efforts are intended to be used for forest management or wildfire mitigation efforts at the local level. Such wildfire mitigation efforts include, without limitation, projects that promote fuel breaks, forest thinning, a reduction in the amount or extent of fuels contributing to wildfires, outreach and education efforts directed at property owners and other members of the public, and any other means of forest management or wildfire mitigation as determined appropriate for funding by the forest service.

On or before March 1, 2023, the forest service is required to adopt policies, procedures, and guidelines for the grant program that include, without limitation:

- Procedures and timelines by which an eligible recipient may apply for a grant;
- Criteria for determining grant eligibility and grant amounts; and
- Reporting requirements for grant recipients.

Any funding awarded under the grant program must match either revenues raised by the local government from a dedicated revenue source or supplement existing programs administered by the local government on a long-term basis, which efforts are intended to be used for forest management or wildfire mitigation efforts at the local level in accordance with policies, procedures, and guidelines developed by the forest service.

A local government is eligible for funding under the grant program even in the absence of a dedicated revenue source if the local government has created and administers an existing program, project, or funding mechanism that creates long-term funding at the local level for wildfire mitigation or forest health or has created and administers other

creative and innovative approaches for promoting wildfire mitigation and forest health.

In allocating funding under the grant program, preference must be given to certain eligible recipients based on prioritization factors enumerated in the act.

Eligible recipients may apply for funding from the grant program, and the recipient's application for funding may be approved by the forest service before the local government has created a dedicated revenue source that forms the basis for the match if the electors of the local government approve a ballot issue creating the revenue source at an election that takes place in the same calendar year in which the funding is awarded.

The act creates the wildfire mitigation incentives local government grant program fund (fund) in the state treasury. On July 1, 2022, the state treasurer is required to transfer \$10 million from the general fund to the fund. The forest service is to use the money transferred to fund awards under the grant program and pay the administrative costs of the forest service in administering the grant program.

On or before November 1, 2024, and on or before November 1 of each year thereafter, the forest service is required to publish a report summarizing the use of all of the money that was awarded under the grant program in the preceding fiscal year. The act specifies additional required components of the report. The report must be posted on the website of the forest service. The act requires the Colorado department of higher education to summarize the information contained in the report in its "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearings.

The act requires the forest service to prepare educational materials concerning the grant program and to display such materials on its official website. The forest service is also required to undertake outreach activities to inform local governments located in priority areas for wildfire mitigation of the grant program.

The grant program is repealed, effective September 1, 2027. Before its repeal, the department of regulatory agencies is required to review the grant program as part of the general assembly's review of regulatory agencies and functions for repeal, continuation, or reestablishment.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

H.B. 22-1097 Dissolution of special districts - authority of board of county commissioners to petition for dissolution - consent to dissolve without election. Under current law, municipalities and regional service authorities are authorized to file an application for dissolution of a special district with the board of directors of the special district. The act expands current law to authorize a board of county commissioners to file such an application if the special district is wholly located in the boundaries of the county and to file jointly with another board of county commissioners such an application if the special district is located in 2 or more counties. If more than 85% of the special district's territory is located within the boundaries of one or more municipalities, the board of directors of the special district shall not take any action on the application unless the governing bodies of all such municipalities have consented to or joined the application.

Current law also allows the governing body of a municipality and a special district

wholly within the corporate limits of the municipality that has no financial obligations or outstanding debt to mutually consent to dissolution of the special district via a court order dissolving the special district without an election. The act expands current law to allow a board of county commissioners and a special district that is wholly within the county's boundaries to mutually consent to dissolution of the special district in the same manner via a court order dissolving the special district without an election; except that, if more than 85% of the special district lies within one or more municipalities, the governing bodies of all such municipalities also must consent to dissolution via court order without an election.

APPROVED by Governor March 17, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1132 Controlled burn - defined - notice requirement - general fund transfer. The act requires that before a person conducts a controlled burn, the person must provide notice in accordance with any local rules and regulations and if there are no local rules and regulations, then the notice is provided to the local dispatch center, the county sheriff, and where applicable to the fire department (defined to include a fire protection district as well as a county, municipality, or metropolitan district or county improvement district that provides fire protection). The act also defines "controlled burn" to include specific types of burns that are intentionally started on private property that is not classified as agricultural land. The act requires the state treasurer to transfer \$100,000 from the general fund to the local firefighter safety and disease prevention fund for need-based grants to volunteer fire departments.

APPROVED by Governor June 3, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1187 Office of economic development and international trade - COVID-19 relief programs - extension of deadlines. The act extends deadlines related to COVID-19 relief programs within the Colorado office of economic development and international trade that are dedicated to accelerating the recovery of negatively impacted industries and businesses.

Specifically, the act extends the:

- COVID-19 relief programs for small businesses spending authority for technical assistance from June 30, 2022, to December 31, 2023, and the reporting deadline from November 1, 2022, to November 1, 2023, and adds another report due on November 1, 2024;
- Closing of the applications deadline for the small business accelerated growth program from December 31, 2022, to October 31, 2023; and
- Deadline for eligible events to occur under the Colorado meetings and events incentive program from December 31, 2022, to June 30, 2024, and the reporting requirement due dates through July 1, 2025.

APPROVED by Governor March 7, 2022

EFFECTIVE March 7, 2022

H.B. 22-1324 Pawnbrokers - definition. Under existing law, a pawnbroker is a person who regularly engages in the business of making contracts for purchase or purchase transactions in the course of his or her business. The act amends the definition of pawnbroker so that a person who is regularly engaged in the business of making purchase transactions is a pawnbroker only if the person also engages in the business of making contracts for purchase.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

H.B. 22-1371 Peace officers - residency requirement. Current law requires a peace officer to be a bona fide Colorado resident. The act removes that requirement.

APPROVED by Governor May 26, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - MUNICIPAL

S.B. 22-36 Fire and police pension association - statewide death and disability trust fund - state contribution. The act requires the state treasurer to make 2 payments of \$6,650,000 to the fire and police pension association for it to deposit in the statewide death and disability trust fund. The first payment on July 1, 2022, is from the general fund, and the second payment on July 1, 2023, is from the newly created death and disability payment cash fund, which consists of money transferred from the general fund on July 1, 2022.

APPROVED by Governor May 27, 2022

EFFECTIVE May 27, 2022

H.B. 22-1034 Fire and police pension association retirement plans - merger of statewide defined benefit plan, statewide hybrid plan, and social security supplemental plan into a single statewide retirement plan. The fire and police pension association (association) administers a number of retirement plans for police officers and firefighters throughout the state, including the statewide defined benefit plan, the statewide hybrid plan, and the social security supplemental plan. Effective January 1, 2023, the act merges these 3 plans into separate components of a new plan to be known as the "statewide retirement plan". The act provides for the following with respect to the statewide retirement plan:

- The administration of the plan by the association;
- The deposit and investment of funds for the plan;
- Membership requirements;
- Employer and member contribution rates for each component of the plan, including phased future increases for specified rates;
- The purchase of service credit by members;
- Vesting and retirement eligibility requirements;
- Annual actuarial valuation of the plan;
- Actions that may be taken by the board of the association to ensure that the plan is fully funded on an actuarially sound basis;
- Pension and optional survivor benefits;
- Late and deferred retirement options;
- Cost of living adjustments;
- Refunds of contributions to members; and
- Modification of the plan by the board of the association.

The act also:

- Provides for the confidentiality of information contained in the records of members of the association;
- Extends the deadline to file an application for disability; and
- Makes conforming amendments to and repeals portions of the existing statutes governing the statewide defined benefit plan, the statewide hybrid plan, and the social security supplemental plan.

APPROVED by Governor March 30, 2022 **PORTIONS EFFECTIVE** August 10, 2022
PORTIONS EFFECTIVE January 1, 2023

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - SPECIAL DISTRICTS

S.B. 22-15 Urban drainage and flood control district - additional director from Douglas county. The act adds to the board of directors of the urban drainage and flood control district one director from Douglas county to be appointed by the governor as with existing director appointments representing various counties.

APPROVED by Governor March 15, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-164 Metropolitan districts - disclosure of property tax information to purchasers of newly constructed residences - correction of incorrect statutory reference in prior legislation. In 2021, the general assembly enacted legislation, SB 21-262, concerning transparency for special districts, that, among other things, required the disclosure of property tax information to purchasers of newly constructed residences within the boundaries of metropolitan districts. As part of this required disclosure, SB 21-262 required the owner of the property to provide to the seller a copy of the most current county assessor's property tax certificate. The county assessors do not issue tax certificates. The tax certificate is issued by the county treasurer. The act corrects this incorrect statutory reference by requiring that each owner of real property that sells real property that includes a newly constructed residence, concurrently with or prior to the execution of a contract to sell the property, provide to the purchaser of the property a copy of the most current certificate of taxes due or tax statement issued by the county treasurer that is applicable to the property as an estimate of the sum of additional mill levies levied by other taxing entities that overlap the property in which the newly constructed residence is located.

APPROVED by Governor May 6, 2022

EFFECTIVE May 6, 2022

H.B. 22-1070 Early childhood development service district - service area - gifts, grants, and donations. Under existing law, an early childhood development service district (service district) must include all of the territory of any special district, municipality, county, or other existing taxing entity that is included in the service district. The act allows a service district to also include a portion of a special district, municipality, county, or other existing taxing entity. The act also authorizes a service district to accept gifts, grants, and donations.

APPROVED by Governor March 17, 2022

EFFECTIVE March 17, 2022

H.B. 22-1087 Special district directors - PERA eligibility not created. The act excludes a special district director (director) who begins service as a director on or after July 1, 2022, from becoming eligible for membership in the public employees' retirement association (PERA) due to the director's service as a director.

APPROVED by Governor March 24, 2022

EFFECTIVE March 24, 2022

GOVERNMENT - STATE

S.B. 22-1 Crime prevention through safer streets grant program - committee - report - appropriation. The act creates the crime prevention through safer streets grant program (grant program) in the department of public safety (DPS). Local governmental agencies or local government in partnership with a community-based nonprofit organization can apply to DPS for grants for improvements designed to decrease crime and create safer streets.

The act directs DPS to establish policies and procedures for the grant program. It also creates an advisory committee to review grant requests and make recommendations to the executive director of DPS. The executive director reviews responses to the requests for proposals and grants and determines which local governmental agencies will receive money and the amount of each grant.

The act appropriates from the general fund \$10.3 million to DPS for the grant program.

APPROVED by Governor May 19, 2022

EFFECTIVE May 19, 2022

S.B. 22-5 Peace officer behavioral health support and community partnership grant program - expansion of purposes - appropriation. The act expands the purposes of the peace officers behavioral health support and community partnerships grant program to include hiring, contracting, or developing a remote network to provide behavioral health counseling, therapy, or other related support services to peace officers involved in job-related traumatic situations.

The act appropriates \$3 million from the general fund to the peace officers behavioral health support and community partnership fund.

APPROVED by Governor May 31, 2022

EFFECTIVE May 31, 2022

S.B. 22-11 History Colorado - America 250 - Colorado 150 commission. The act creates the America 250 - Colorado 150 commission (commission) in History Colorado to develop programs and plan for the official observance of the 250th anniversary of the founding of the United States and the 150th anniversary of Colorado statehood. The commission is directed to develop and promote plans for activities between July 1, 2025, and December 31, 2026, including historical activities, publication of historical documents, public ceremonies, educational activities for Colorado youth, and other commemorative events, to be supported by comprehensive marketing and tourism campaigns. The commission is required to identify, celebrate, and build knowledge around the history of Black communities, Indigenous communities, communities of color, and women, and people with disabilities. In addition, the commission is required to ensure that the activities planned by the commission represent the geographic and demographic diversity of the state, are accessible to people with disabilities, and are accessible to communities throughout the state on an equitable basis. The commission is also authorized to represent the state in official dealings with the United States semi-quincentennial commission and the America250 foundation.

An advisory panel composed of regional representatives from the state's tourism districts is created to consult on regional activities celebrating the history and culture of regions across the state. The commission is authorized to establish additional subcommittees

to assist the commission in the fulfillment of its duties.

History Colorado is required to annually report on the commission's activities as part of its "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" reports. The commission is repealed effective June 30, 2027.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

S.B. 22-12 State archives and public records - state constitution - display in capitol building - on-line display - educational opportunities. On or before February 28, 2023, the state archivist is required to submit to the state capitol building advisory committee a proposal for the creation of a permanent public display of the original Colorado constitution in the state capitol building. The proposal must also include a proposal for displaying the original Colorado constitution in other state government buildings. The state archivist is required to collaborate with History Colorado to ensure adherence to the best practices when presenting the original Colorado constitution in the existing environmental conditions of the state capitol and other government buildings. History Colorado is also required to advise and consult with the state archivist regarding the creation of an appropriate display that will safeguard the original draft of the Colorado constitution. The state capitol building advisory committee is required to evaluate and consider whether to approve the proposal in accordance with the criteria for placing displays within the state capitol building and in accordance with best practices for displaying historic documents in a manner that safeguards the documents against deterioration.

The state archivist, in partnership with history Colorado, is required to create an online exhibition of the Colorado constitution. The exhibition must include educational opportunities and history and must ensure that the electronic copy of each version of the Colorado constitution is available to the public in a searchable format through the website of the office of the state archives and history Colorado. The state archivist may contract with an online exhibit design company to determine the best practices when presenting the Colorado constitution in an educational format that is easily accessible and user-friendly for the general population of the state. The exhibit design company may coordinate as necessary with the state archivist, history Colorado, the office of legislative legal services, the secretary of state's office, and other relevant government agencies in the creation of the online exhibition.

The state archivist, in partnership with history Colorado, is also required to create opportunities to provide updated physical copies of the constitution or other educational opportunities related to the updated physical copy of the Colorado constitution within state offices. The state archivist and history Colorado are required to ensure that the constitution will be easily accessible and user-friendly for the general population of the state.

The state archives is authorized to solicit, accept, and expend bequests, gifts, grants, or donations for the purposes of the act.

APPROVED by Governor May 20, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-13 Boards and commissions - standard provisions - effect of redistricting on board membership. The act makes changes related to the requirements for various boards and commissions (boards).

Section 1 of the act includes standard provisions that generally apply to boards for which membership is based in full or in part on representation from the congressional districts of the state. Specifically, unless a statute or constitutional provision creating a board provides otherwise:

- If a member appointed to represent a district no longer resides in the district due solely to a change in the district's boundaries following redistricting, the member may serve the remainder of their term notwithstanding the nonresidency;
- If a board increases in size due to the addition of a new congressional district in the state, the appointing authority shall appoint a new member to represent the new district as soon as practicable; and
- If a board decreases in size due to the loss of a congressional district in the state, the appointing authority shall determine which current member's term should be terminated, or, if the member will be replaced by an at-large or other member, which member should be replaced at the expiration of the member's term. The appointing authority must attempt to ensure that the remaining membership adequately represents the remaining congressional districts.

Section 2 establishes standard provisions that apply to all boards unless the statute or constitutional provision creating a board provides otherwise. The standard provisions include:

- Requiring an appointing authority to fill a vacancy for the remainder of the unexpired term;
- Allowing the designee of a state official who is an ex officio member of a board to fulfill the official's duties on the board;
- Defining the term "minimum majority" to mean the lowest number of members of a board that is more than half;
- Allowing members to participate in meetings of the board remotely if allowed by a board's policies or bylaws; and
- Clarifying that only a partial term that is more than half the length of a standard term counts towards any applicable term limit.

Sections 33 and 40 update the statutes that establish the membership of the state board of education and the board of regents of the university of Colorado, respectively, both of which are elected boards created in the state constitution. For the state board of education, section 33 provides for the election of one new member to represent the eighth congressional district and one new member from the state at large at the 2022 general election. For the board of regents, section 40 requires the election of a member to represent the eighth congressional district in place of the election of a member representing the state at large at the 2022 general election.

Sections 37, 42, 52, 60, 73, 85, 86, 90, 101, and 107 amend statutes governing boards for which membership is based on the number of congressional districts in the state. For each board, the total number of members is no longer specified. Instead, each statute provides for the appointment of members from each congressional district in the state plus,

as applicable, additional members as is currently provided for each board. Provisions requiring staggering of terms and limits on the number of board members who may be affiliated with a single political party are amended to refer to a "minimum majority" of the board to accommodate any future changes in board membership resulting from changes in the number of Colorado congressional districts.

Section 133 repeals a statute that addressed the impact of redistricting on boards following the 2000 federal decennial census and a statute that adjusted the lengths of terms of members of certain boards in 1987.

The remaining sections of the act make changes to statutory provisions governing various boards with appointed members, including:

- Repealing deadlines for events or actions that have already occurred;
- Repealing language setting specific expiration dates or requirements for board members' terms in order to create staggering of the board members' terms and replacing it with a general requirement that terms be staggered;
- Repealing requirements for notice and hearing before a board member can be removed for cause by an appointing authority;
- Repealing, for certain boards, the requirement that a board member serve until the board member's successor is confirmed by the senate;
- Updating archaic language to conform to current drafting standards;
- Reorganizing sections to clarify requirements related to appointments, qualifications for appointees, and terms of office;
- Clarifying requirements related to the number of board members that may be affiliated with one political party; and
- Making conforming amendments.

APPROVED by Governor February 25, 2022

EFFECTIVE February 25, 2022

NOTE: Section 26-11-101, as amended in section 90 of this act, only takes effect if House Bill 22-1035 does not become law. House Bill 22-1035 was signed by the governor March 24, 2022. Section 35-65-401 (2), (3), (4), (5), and (8.5), as amended in section 107 of this act, only takes effect if Senate Bill 22-042 does not become law. Senate Bill 22-042 was signed by the governor March 24, 2022.

S.B. 22-14 Youth advisory council - procedures - leadership - oversight. The act changes the deadline to appoint nonlegislative members to the Colorado youth advisory council (council) and removes the requirement that nonlegislative members be selected by a majority vote of the council.

The act repeals the requirement to appoint council co-chairs and vice-chairs, requires the council to adopt written bylaws setting forth a leadership structure for the council, and clarifies that the council can elect members to serve in any leadership position described in its bylaws. The act requires that 2 of the council's 4 meetings each year be held in person.

The act changes the council's annual reporting requirement so that the council reports to the Colorado youth advisory council review committee (review committee) during the interim. The act requires the chair of the review committee and the chair of the legislative council to sign council contracts and requires the president of the senate and the speaker of the house of representatives to appoint the chair and vice-chair of the review committee on

an annually alternating basis.

APPROVED by Governor March 17, 2022

EFFECTIVE March 17, 2022

S.B. 22-20 Court reporters - oaths or affirmations. The act adds court reporters to the list of professionals who may administer oaths or affirmations.

APPROVED by Governor March 30, 2022

EFFECTIVE March 30, 2022

S.B. 22-25 State capital financing - authorized collateral - feasibility study of use of security token offerings - appropriation. In the capital financing context generally and as defined in section 2 of the act:

- A security token is a digital, liquid contract made verifiable and secure through the use of blockchain technology that establishes its holder's right to a fraction of a financial asset such as a stock, bond, or certificate of participation; and
- A security token offering is a capital financing method in which security tokens representing fractional interests in a financial asset are sold to investors in lieu of selling the actual financial asset to investors.

Section 2 also requires the state treasurer to study the feasibility of using security token offerings for state capital financing and determine the extent to which the use of security token offerings of state capital financing would be in the best interest of the state. The state treasurer is required to complete the study and report the study findings to the finance committees and joint budget committee of the general assembly by March 1, 2023, and to post the study findings on the department of the treasury's website. If the state treasurer determines, after completing the feasibility study, that the use of security token offerings for state capital financing is in the best interest of the state, the state treasurer may recommend as part of the report that the general assembly enact legislation to authorize such use.

Section 1 authorizes the state treasurer to spend up to \$125,000 from the state public financing cash fund to fund the completion of the feasibility study.

Section 3 broadens the definition of "eligible state facility" used for purposes of identifying the types of state-owned assets that may be used as collateral for state capital financing used to finance capital construction and transportation projects to include any financially unencumbered state-owned asset that is not part of the state emergency reserve.

Section 4 makes an appropriation of \$100,000 to the department of the treasury for implementation of the act, of which \$70,000 is for use by the administration division for operating expenses and \$30,000 is for the purchase of legal services.

APPROVED by Governor June 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-57 Victims of violent crime - brain injury task force - appropriation. The act creates the victims of a violent crime brain injury task force (task force). The purpose of the task force is to develop a plan for the creation and implementation of a pilot program for the identification, screening, support, and services of victims of violent crimes for brain injury and providing those who screen positive with the appropriate support and services. The act describes the necessary elements of the plan, the membership for the task force, and reporting requirements.

The task force is repealed, effective June 30, 2026.

For the 2022-23 state fiscal year, the act appropriates \$65,000 from the general fund to the department of public safety for use by the division of criminal justice for implementation of the act.

APPROVED by Governor May 31, 2022

EFFECTIVE May 31, 2022

S.B. 22-95 Missing persons - report to general assembly - missing person reports - law enforcement actions. The act requires the division of criminal justice within the department of public safety (department) to annually report to the general assembly during the department's "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearings any significant data, including trends over time, regarding missing person cases in Colorado. The report must include specific information about missing person cases involving women from minority communities, which includes women from African-American, Black, Asian-American, Pacific Islander, Indigenous and tribal, Hispanic, Latino, and transgender communities, and information about missing person cases involving persons 50 years of age or older.

The act requires any law enforcement agency to accept a missing person report submitted in person if the missing person is a Colorado resident or was last believed to be in Colorado. The act requires law enforcement agencies to accept a missing person report by telephone or other electronic media if accepting the report by those means is consistent with the agency's policies or practices. The act adds circumstances in which a law enforcement agency is not required to accept a missing person report.

The act requires a law enforcement agency that receives a report of a missing adult to, within 8 hours after receiving the report, enter relevant information into the Colorado crime information center (CCIC) database and, as appropriate, contact other law enforcement agencies that may assist in locating the missing person. In the case of a reported missing child, a law enforcement agency must, within 2 hours after receiving the report, notify the Colorado bureau of investigation and enter any relevant information into the CCIC database.

APPROVED by Governor April 7, 2022

EFFECTIVE April 7, 2022

S.B. 22-99 Criminal justice records sealing - consumer reporting agency requirements - automatic sealing - sealing diversion records - authorized access to sealed records - annual report - appropriation. The act requires a consumer reporting agency to exclude sealed and expunged records from a consumer report, unless the user of the report demonstrates that the user is otherwise required to consider the information pursuant to law.

Currently, there is a process that allows for automatic sealing of criminal justice records for certain drug offenses. The act extends automatic sealing to all offenses, including civil infractions, that allow a defendant to petition the court for sealing criminal justice records that are not subject to the victims rights act. The act streamlines the automatic record sealing process. The act allows a district attorney to object to the automatic sealing of a felony offense that is not a drug felony and, if the defendant requests a hearing in that case, the court shall schedule a hearing to determine whether to seal the records. The act requires the state court administrator to produce an annual report regarding automatic record sealing. During the 2023 and 2024 legislative sessions, the judicial department shall report on the progress of its implementation of the automatic sealing created by the act, including as part of the department's SMART act hearing.

The act requires district attorneys, in the completion of diversion prior to charges being filed, to seal diversion records without a court order.

The act provides that a defendant's and a district attorney's access to sealed records do not require a court order. The act provides the conditions that must be met for a researcher to access sealed records without a court order.

The act allows a record to be sealed if a defendant owes fines, court fees, late fees, or other court-ordered fees.

The act requires the Colorado bureau of investigation to produce an annual report regarding record sealing.

The act makes clarifying and organizational changes to the record sealing statutes.

The act appropriates \$725,145 from the general fund to the judicial department to implement the act.

APPROVED by Governor May 31, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-100 Domestic violence fatality review board - assistance and outreach to local governments - sunset review - appropriations. The act requires the domestic violence fatality review board (review board) to:

- Provide technical assistance and training to local governments to help establish and maintain a review team and provide technical assistance and training to existing review teams;
- Pursue and implement any recommendations pertaining to improving communication and information-sharing between public and private organizations and agencies as to domestic violence incidents and risk, reducing the incidence of domestic violence and domestic violence fatalities in the state, and improving responses to domestic violence incidents;
- Provide any necessary coordination between local governments and organizations to assist with domestic violence prevention and responses to fatalities;
- Make a recommendation in its 2022 annual written report whether and how

diversity, equity, and inclusion training could be provided for individuals who provide initial call response functions and could be provided for local boards that may conduct a fatality review to create greater trust between local agencies and victims of domestic violence;

- Coordinate with stakeholders to develop best practices for collecting data on domestic violence-related fatalities;
- Coordinate to implement effective information-sharing related to identified domestic violence fatalities;
- Perform outreach to local governments and organizations to promote the development of local review teams; and
- Prioritize development and support of local review teams in underserved and rural communities.

The review board is set to repeal on September 1, 2022. The act extends the repeal to September 1, 2027, and requires a sunset review prior to the repeal. The act also repeals the review board's associated cash fund. The act appropriates \$43,350 to the department of law from the general fund to implement the act. The act decreases the cash fund appropriation from the Colorado domestic violence review board cash fund in the 2022 general appropriations act to the department of law for use by the office of community engagement by \$2,500.

APPROVED by Governor May 2, 2022

EFFECTIVE May 2, 2022

S.B. 22-113 Facial recognition services - standards of conduct - restrictions on the use of facial recognition services by state and local government agencies - temporary prohibition on public schools' contracts for facial recognition services - task force for the consideration of facial recognitions services created - repeal subject to sunset review - appropriation. The act requires a state or local government agency (agency), including an institution of higher education, that uses or intends to develop, procure, or use a facial recognition service (FRS) to file with its reporting authority a notice of intent to develop, procure, or use the FRS and specify a purpose for which the technology is to be used. For a state agency, the reporting authority is the office of information technology in the governor's office; for a local government agency, the reporting agency is the city council, county commission, or other local government agency vested with legislative powers. After filing the notice of intent, the agency must produce an accountability report that includes certain information and policies regarding the proposed use of the FRS. The act establishes requirements for the adoption, implementation, disclosure, and updating of accountability reports.

The act also requires an agency using an FRS to subject to meaningful human review any decisions that result from such use and produce legal or similarly significant effects concerning individuals. An agency must test the FRS in operational conditions before deploying the FRS in a context in which it will be used to make such decisions.

An agency using an FRS must conduct periodic training of all individuals who operate the FRS or who process personal data obtained from the FRS. An agency must maintain records that are sufficient to facilitate public reporting and auditing of compliance with the agency's facial recognition policies.

The act also prohibits a law enforcement agency (LEA) from:

- Using an FRS to engage in ongoing surveillance; conduct real-time or near

real-time identification; or start persistent tracking unless the LEA obtains a warrant authorizing such use, such use is necessary to develop leads in an investigation, the LEA has established probable cause for such use, or the LEA obtains a court order authorizing the use of the service for the sole purpose of locating or identifying a missing person or identifying a deceased person;

- Applying an FRS to any individual based on the individual's religious, political, or social views or activities; participation in a particular noncriminal organization or lawful event; or any other characteristic protected by law;
- Using an FRS to create a record depicting any individual's exercise of rights guaranteed by the first amendment of the United States constitution and by section 10 of article II of the Colorado constitution;
- Using the results of an FRS as the sole basis to establish probable cause in a criminal investigation; or
- Substantively manipulating an image for use in an FRS in a manner not consistent with the FRS provider's intended use and training.

An agency must disclose its use of an FRS on a criminal defendant to that defendant in a timely manner prior to trial. In January of each year:

- Any judge who has issued or extended a warrant for the use of an FRS during the preceding year, or who has denied approval of such a warrant during that year, must report certain information to the state court administrator; and
- Any agency that has applied for a warrant or an extension of a warrant for the use of an FRS to engage in any surveillance must provide to the agency's reporting authority a report summarizing nonidentifying demographic data of individuals named in warrant applications as subjects of surveillance.

The requirements of the act do not apply to:

- An agency that is required to use a specific FRS pursuant to a federal regulation or order or that uses an FRS in partnership with a federal agency to fulfill a congressional mandate, fulfill aviation security directives, or comply with federal law; that uses an FRS in association with a federal agency to verify the identity of individuals presenting themselves for travel at an airport; or that uses an FRS in connection with a physical access control system in order to grant or deny access to a sterile area of an airport;
- The use of an FRS solely for research purposes by a state agency, so long as the use does not result in or affect any decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals; or
- A utility.

The act also prohibits a school district or a public school, charter school, or institute charter school from contracting with a vendor for the purchase of, or services related to, an FRS until July 1, 2025. However, the prohibition does not apply to a contract:

- That was executed before the effective date of the act; or
- For the purchase of, or for services related to, a generally available consumer product that allows for the analysis of facial features in order to facilitate the user's ability to manage an address book or images for personal or household use.

The act also creates a task force for the consideration of FRSs (task force) and requires the task force to examine and report to the joint technology committee of the general assembly concerning the extent to which state and local government agencies are currently using FRSs and provide recommendations concerning the extent to which such agencies should be permitted to continue to do so, including certain specific considerations. The task force must submit a report on or before October 1, 2023, and on or before each October 1 thereafter, to the joint technology committee. The report must include a recommendation as to whether the scope of the issues for study by the task force should be expanded to include consideration of artificial intelligence other than FRSs, or even artificial intelligence itself, and whether the membership of the task force should be adjusted accordingly. The task force is repealed, effective September 1, 2027, subject to a sunset review by the department of regulatory agencies.

The act also states that an individual may authorize an agent to access and process the individual's personal data or other information held by a controller and that is otherwise accessible to the individual, and such an authorization does not constitute cybercrime.

For the 2022-23 state fiscal year, the act appropriates \$11,109 from the general fund to the legislative department.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-118 Geothermal energy - Colorado energy office - consumer education and greenhouse gas pollution reduction roadmap - limit on fees - pollution control devices - inclusion in master plans - zoning - community geothermal gardens. The act:

- Requires the Colorado energy office (office) to develop basic consumer education and guidance about purchased or, if available, leased installation of a system that uses geothermal energy for water heating or space heating or cooling in a single building or for space heating for more than one building through a pipeline network;
- Permits the office to update the greenhouse gas pollution reduction roadmap to expressly include geothermal energy as a renewable energy resource that qualifying retail utilities may use to achieve the electric utility sector greenhouse gas pollution reduction goals set forth in the roadmap;
- Limits the aggregate of all charges or other related or associated fees the state, a county, or a municipality may impose or assess to install a geothermal energy system, which means a system that uses geothermal energy for water heating or space heating or cooling in a single building, for space heating for more than one building through a pipeline network, or for electricity generation;
- Specifies that the division of administration in the department of public health and environment may certify geothermal equipment as pollution control equipment;
- Specifies that a "project" for purposes of the "County and Municipality Development Revenue Bond Act" includes capital improvements to existing single-family residential, multi-family residential, commercial, or industrial structures, to retrofit such structures for installation of a system that uses

- geothermal energy for water heating or space heating or cooling in a single structure;
- Permits a county board of commissioners or a regional planning commission, and a municipal development commission, to include methods for assuring access to appropriate conditions for geothermal energy sources in a master plan for development;
- Specifies that the addition of a device used as part of a system that uses geothermal energy for water heating or space heating or cooling to a building is not necessarily considered a structural alteration for purposes of continuing a nonconforming use of a building, structure, or land under a county zoning resolution;
- Specifies that a geothermal energy device is a renewable energy generation device that cannot be prohibited in legal instruments related to the transfer or sale of, or interest in, real property; and
- Creates community geothermal gardens, which are analogous to community solar gardens; except that a qualifying retail utility is permitted and not required to purchase electricity and renewable energy credits generated from one or more community geothermal gardens.

APPROVED by Governor June 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-130 Public-private partnerships for state public entities - authority - public-private collaboration unit - public-private partnership subcommittee - unused state-owned real property definition - unused state-owned real property fund. The executive director of the department of personnel (executive director) is required to:

- Create requirements regarding the authority for state public entities to initiate requests for proposals or bids or to review any private partner-initiated proposals for public projects to be completed through public-private partnerships;
- Create requirements regarding the authority for state public entities to execute public-private partnership agreements for public projects;
- Further define any relevant terms defined in the act; and
- Develop cost thresholds for public projects that qualify as a public-private partnership or a public-private agreement.

The public-private collaboration unit is established in the department of personnel (department). The unit is required to:

- In coordination with relevant state public entities, identify, prioritize, and advance potential public projects that may be best delivered through a public-private partnership;
- Facilitate collaboration between state public entities and private partners in connection with public projects;
- Provide technical assistance and expertise to state public entities in connection with any aspect of proposed or approved public-private partnerships;
- Create best practices that incorporate lessons learned from other public-private partnerships for every stage of the life cycle of a public-private partnership;

- Conduct public and stakeholder engagement to encourage transparency, accountability, and information sharing regarding public-private partnerships;
- Track proposed, ongoing, and completed public-private partnerships;
- Attract private investments for public projects; and
- In coordination with the department of early childhood, distribute funding to help increase the supply of child care facilities using public buildings or other appropriate public assets.

For the 2023-24 state fiscal year and for each state fiscal year thereafter, money is appropriated from the general fund to the department for the standard operating expenses of the public-private collaboration unit, including personal services and related costs.

A state public entity is authorized to initiate solicitations, review any private partner-initiated proposals, execute public-private partnership agreements, or execute public-private agreements to develop or operate a public project subject to the requirements of the act. Any public-private agreement entered into pursuant to the act must comply with applicable state laws and processes developed by the executive director. Nothing in the act prohibits, limits, or otherwise modifies the specific statutory authority of state public entities to enter into a public-private partnership, a public-private agreement, or other agreement or to use a statutory mechanism as authorized by any other provision of law. Public-private partnerships authorized by the act are exempt from the state "Procurement Code".

The Colorado economic development commission is required to establish a public-private partnership subcommittee (subcommittee) to review proposed contracts, sales, and leases of state property. The subcommittee consists of at least 3 members of the commission as selected by the commission. A state public entity that intends to enter into a contract, sale, or lease of state property is required to submit the proposed contract, sale, or lease of state property to the subcommittee for review before entering into the contract, sale, or lease of state property. The state public entity, in coordination with the Colorado economic development commission staff, is required to submit a report to the subcommittee regarding the anticipated use of the state property. The subcommittee is required to review the report and make any recommendations it deems necessary to the state public entity.

The executive director is required to annually report on the implementation and use of public-private partnerships pursuant to the act at its presentation to its committee of reference at a hearing held pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act". The executive director is also required to submit the report to the joint budget committee.

The existing definition of "unused state-owned real property" is modified to require that the unused state-owned real property be identified in the inventory list of unused state-owned real property maintained by the department and that the property is not being used at its optimal or best use. Money in the existing unused state-owned real property fund is continuously, rather than annually, appropriated to the department for existing purposes and for public-private agreements and any associated costs of the agreements.

The state, by and through the division of employment and training the department of labor and employment, is authorized to dispose of a parcel of real property in Summit County. The proceeds must be credited to the employment support fund.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

S.B. 22-133 Colorado state patrol - patrol services furnished to members of the general assembly and statewide constitutional officers - appropriation. In addition to the protection and security services currently provided to members of the general assembly by the Colorado state patrol, the Colorado state patrol is authorized to provide other protection and security services to a member of the general assembly as requested by the executive committee of the legislative council and as deemed necessary by the chief of the Colorado state patrol. The executive committee of the legislative council is required to establish a process by which a member of the general assembly may request other protection and security services from the Colorado state patrol. The Colorado state patrol is required to ensure that members of the general assembly are aware of the protection and security services that may be requested from the Colorado state patrol.

The Colorado state patrol is required to provide protection and security services to the secretary of state, attorney general, and state treasurer (statewide constitutional officers) upon request of the statewide constitutional officer. The Colorado state patrol is required to designate state patrol officers to be available to provide protection services to statewide constitutional officers and the chief of the Colorado state patrol is required to determine the priority in assigning state patrol officers among each statewide constitutional officer. The act specifies that it is not intended to provide around-the-clock protection for a statewide constitutional officer unless there is a credible threat as determined in the discretion of the chief of the Colorado state patrol.

For the 2022-23 state fiscal year, \$1,115,090 is appropriated to the department of public safety from the general fund to implement the act.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

S.B. 22-134 Colorado state fair - general fund transfer to the Colorado state fair authority cash fund - appropriation. The act requires the state treasurer to transfer \$4 million from the general fund to the Colorado state fair authority cash fund within 3 days after the date the act takes effect to partly fund the implementation of the 2021 Colorado state fair master plan.

\$4,000,000 is appropriated from the Colorado state fair authority cash fund to the department of agriculture for use by the Colorado state fair.

APPROVED by Governor May 27, 2022

EFFECTIVE May 27, 2022

S.B. 22-139 State legal holiday - Juneteenth. The act establishes Juneteenth, which is the nineteenth day of June, as a state legal holiday.

APPROVED by Governor May 2, 2022

EFFECTIVE May 2, 2022

S.B. 22-145 Grant programs - crime prevention and crisis intervention - law enforcement workforce - assistance in recruitment and training - advisory committees - project management team - statewide forum on crime prevention - appropriations. The act establishes 3 new grant programs within the division of criminal justice (division) in the department of public safety:

- A multidisciplinary crime prevention and crisis intervention grant program to award grants to law enforcement, other local governmental agencies, federally recognized Indian tribes, community-based organizations, and third-party membership organizations or administrators to identify high-crime areas and to implement crime prevention and intervention strategies in those areas;
- A law enforcement workforce recruitment, retention, and tuition grant program to award grants to law enforcement agencies to address workforce shortages, improve training, and improve relationships between law enforcement and impacted communities; and
- A state's mission for assistance in recruitment and training (SMART) policing grant program to increase the number of P.O.S.T.-certified and non-certified law enforcement officers who are representative of the communities they police and provide training for those additional law enforcement officers.

The act directs the executive director of the department of public safety to establish policies and procedures and create advisory committees consisting of diverse members to review applications and make recommendations on who should receive grants and the amount of the grants.

The act requires the division to create a project management team to coordinate grant programs.

The act requires the division to host a statewide forum which may be facilitated by a national criminal justice organization to solicit suggestions on crime prevention measures related to the grant programs.

The act requires the general assembly to appropriate money for the grant programs in the 2022-23 and 2023-24 fiscal years, for the statewide forum in the 2022-23 fiscal year, and for the project management team in the 2022-23 and 2023-24 fiscal years. The act appropriates from the general fund:

- \$300,000 to the division of criminal justice in the department of public safety to implement the act;
- \$7.5 million to the multidisciplinary crime prevention and intervention grant fund;
- \$3.75 million to the law enforcement workforce recruitment, retention, and tuition grant fund; and
- \$3.75 million to the SMART policing grant fund.

APPROVED by Governor May 20, 2022

EFFECTIVE May 20, 2022

S.B. 22-150 Missing or murdered indigenous relatives - investigations - office of liaison for missing and murdered indigenous relatives - peace officer training - missing indigenous person alert program - appropriation. The act requires the department of public safety (department) to improve the investigation of missing and murdered indigenous relative cases and address injustice in the criminal justice system's response to the cases of missing and murdered indigenous relative cases. The act lists specific duties for the department, including assisting with missing indigenous persons investigations and homicide cases involving indigenous victims; coordinating with federal, state, and local law enforcement agencies and with other states regarding missing or murdered indigenous persons cases; developing and facilitating training related to missing and murdered indigenous persons

issues; and providing assistance to families of victims. The executive director of the department (executive director) may assign the duties to the department's divisions and offices, including the office of liaison for missing and murdered indigenous relatives created in the act. The department must publish on a public website information regarding missing and murdered indigenous persons.

The act creates the office of liaison for missing and murdered indigenous relatives (office) in the department to serve as a liaison on behalf of the indigenous community on issues related to missing or murdered indigenous relatives and carry out duties assigned by the executive director. In carrying out its duties, the office is required to collaborate with the Colorado commission of Indian affairs; federally recognized tribes; state, local, and tribal law enforcement agencies; and indigenous-led organizations. A community volunteer advisory board (board) is established in the office to identify and advise the office on areas of concern regarding missing or murdered indigenous relatives and issues of collaborative efforts related to missing or murdered indigenous relatives. The executive director of the department appoints members to the board.

The act requires peace officers to receive training concerning issues relating to missing or murdered indigenous persons. The peace officer standards and training board must work with the office to develop and facilitate the training.

The act requires the Colorado bureau of investigation (bureau) to work with the office and federal, state, tribal, and local law enforcement agencies for the efficient investigation of missing or murdered indigenous persons. The bureau must operate a clearinghouse database on missing indigenous persons from Colorado and prepare an annual report on information about missing or murdered indigenous persons. The bureau is required to operate a missing indigenous person alert program.

The act requires a law enforcement agency that receives a report of a missing indigenous person to notify the bureau within 8 hours of a report of a missing adult or within 2 hours of a report of a missing child.

The act appropriates \$497,250 to the department of public safety to implement the act, of which \$15,982 is reappropriated to the department of personnel to provide fleet vehicles for the department of public safety.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

S.B. 22-159 Transformational affordable housing revolving loan fund program - eligible loan projects - eligibility requirements for funding - loan program policies - prioritization criteria - transformational affordable housing revolving loan fund - transfer of money - reporting - appropriation. The act creates the transformational affordable housing revolving loan fund program (loan program) in the division of housing (division) in the department of local affairs (department) as a revolving loan program in accordance with the requirements of the act and the policies established by the division. The loan program provides flexible, low-interest, and below-market rate loan funding to assist eligible recipients in completing the eligible loan projects identified in the act.

The division may administer the loan program or, if it determines that it would be more efficient and effective to contract out full or partial administration of the loan program, the division may enter into a contract with a third-party entity to administer the loan program.

Any loan made under the loan program by the state, any department, division, or agency of the state, or any administrator to a district, as defined in the TABOR amendment to the state constitution, must either be approved by the voters of the district in accordance with TABOR or be structured so that it is not a multiple-fiscal year direct or indirect district debt or other financial obligation whatsoever that requires voter approval under TABOR.

The act specifies eligibility requirements in order for projects to be funded under the loan program.

The division is required to establish and publicize policies for the loan program. The division is encouraged to consider prioritizing applications for funding that satisfy certain objectives specified in the act.

The transformational affordable housing revolving loan fund (fund) is created in the state treasury and the act specifies requirements pertaining to the administration of the fund.

On July 1, 2022, the state treasurer is required to transfer \$150 million from the affordable housing and home ownership cash fund to the fund.

The division is required to report on the activities of the loan program as part of the regular annual public report prepared by the division on affordable housing spending undertaken by the state.

For the 2022-23 state fiscal year, the act appropriates \$379,081 to the office of the governor for use by the office of information technology (OIT). The appropriation is from reappropriated money from the fund. To implement the act, OIT may use the appropriation to provide information technology services for the department.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

S.B. 22-162 Organization of state government - Administrative Organization Act of 1968 - organic statutes - types of entities - modernization of terminology. The act modernizes and simplifies the terminology used in creating and transferring state government entities among principal departments under the "Administrative Organization Act of 1968" (AOA) and throughout the Colorado Revised Statutes while preserving the status and the powers assigned in current law to entities in the AOA.

The act defines "**type 1** entity" and "**type 2** entity" and states that when a new entity is created as a **type 1** entity or a **type 2** entity and allocated to a principal department under the AOA, or when an existing entity is transferred from one principal department to another, the entity has all of the powers, duties, and functions of a **type 1** or **type 2** entity, as applicable. The act eliminates language regarding **type 1** and **type 2** transfers and specifies that when an existing entity is transferred from one principal department to another, the transferred entity exercises its powers and performs its duties and functions in the principal department to which it was transferred as a **type 1** or **type 2** entity, as specified in law.

The act amends organic statutes for the principal departments to specify the **type 1** or **type 2** status of the entities within those principal departments where the **type 1** or **type 2** status is not stated. The act also amends the AOA to specify the **type 1** or **type 2** status of the entities where the **type 1** or **type 2** status is found in the organic statute but is missing in the AOA.

The act eliminates references to **type 3** transfers, which were previously used when an original entity and its powers, duties, and functions were transferred to another principal department and the original entity was abolished. For entities that are being abolished, the act specifies that the powers, duties, and functions of the abolished entity are included in powers, duties, and functions of the entity to which it was transferred.

The act also corrects errors in the names of entities to make references consistent throughout the statutes.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: (1) This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

(2) Makes amendments made to section 24-1-120 (6)(d), in sections 63 and 227 contingent on House Bill 22-1278 either becoming law or not. House Bill 22-1278 was signed by the governor, May 25, 2022.

S.B. 22-163 State procurement equity program - creation - appropriation. The act establishes the state procurement equity program (program) in the department of personnel (department) for the purpose of reducing disparities identified in the state disparity study report prepared as required by Senate Bill 19-135 between the availability of historically underutilized businesses and the utilization of such businesses in state procurement.

For preliminary implementation of the program, the department, in line with recommendations made in the state disparity study report, is required to:

- Provide solicitation assistance, defined by the act as the provision of real-time responses to questions asked by potential contractors who seek guidance as to how best to respond to solicitations for state contracts; and
- Create a bond assistance program to help historically underutilized businesses to offset all or a portion of the cost of obtaining a surety bond that is required for a solicitation for a state procurement opportunity. The act transfers \$2 million from the general fund to a newly created bond assistance program cash fund, and the fund is continuously appropriated to the department to implement the bond assistance program.

The department is also required to convene, contract with a facilitator to facilitate discussion among, engage in consultation with, and strongly consider the formal policy recommendations of a stakeholder group, which, to the extent practicable, consists of government employees with procurement expertise, an employee of the procurement technical assistance center, a representative of the associated general contractors, owners or high-ranking employees of various types of historically underutilized businesses, and owners or high-ranking employees of businesses that are not historically underutilized businesses but have a demonstrable record of successful engagement and contracting with small businesses and have competed for or been awarded state contracts. The stakeholder group also includes any other individuals who have a demonstrable commitment to furthering equity in government procurement and substantial knowledge of procurement equity best practices who the department deems necessary or appropriate to include. The stakeholder group is required to:

- Closely examine the findings, conclusions, and recommendations in the state

- disparity study report;
- Using the information in the state disparity study report as a baseline for studying procurement equity programs in other states and at the federal and large local government level, identify best practices for successful program implementation and administration; and
- No later than November 1, 2023, present to the department a report of specific findings, remedial measures, and recommendations that includes, at a minimum:
 - Prioritization of the recommendations in the state disparity study report;
 - Confirmation or refutation of specified disparity study report findings;
 - A preliminary estimate of the amount of initial and ongoing funding, personnel, information technology resources, and other resources needed to implement the policy recommendations and remedial measures in accordance with identified best practices;
 - A step-by-step timeline for full implementation of the program;
 - Suggested methodologies and metrics for evaluating the success of the program and ensuring program accountability on both the state agency and prime contractor sides; and
 - Identification of any public or private sources of funding or other resources that may be available to expedite the implementation or ongoing administration of the program and reduce costs to the state.

The department is required to report on its progress and policy recommendations and any suggested remedial measures of the stakeholder group, the preliminary plans, recommendations, and remedial measures of the department regarding full implementation of the program, and any recommendations that the department has regarding the need for related legislation during its January 2025 annual presentation to legislative oversight committees required by the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act".

\$2,007,707 is appropriated from the general fund to the department, of which:

- \$1,046,345 is for use by the executive director's office for the state procurement equity program;
- \$961,362 is for use by the division of human resources for liability claims and liability legal services; and
- \$114,824 is reappropriated from the money appropriated to the department to the office of information technology for the purpose of providing information technology services for the department.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

S.B. 22-174 Sunset review process - department of regulatory agencies - general assembly - criteria to consider - regulation of professions and occupations and other government programs. The act amends the criteria that the department of regulatory agencies and the general assembly must consider in sunset review hearings by removing some of the current criteria, adding new criteria, and modifying the criteria to apply to the regulation of professions and occupations and other governmental programs.

The act removes the following criteria:

- Whether the conditions that led to the initial regulation have changed and whether other conditions have arisen that would warrant more, less, or the same degree of regulation; and
- Whether entry requirements encourage affirmative action.

The act adds the following criteria:

- Whether the conditions that led to the initial creation of the program have changed and whether other conditions have arisen that would warrant more, less, or the same degree of governmental oversight;
- Whether regulatory oversight can be achieved through a director model; and
- Whether entry requirements encourage equity, diversity, and inclusivity.

APPROVED by Governor May 25, 2022

EFFECTIVE October 16, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-182 Economic mobility - department of higher education to contract for online platform to assist students accessing public benefits - department of public health and environment to implement economic mobility program - creation of program - economic mobility cash fund - creation - appropriation. Section 1 of the act requires the department of higher education to contract for and facilitate use of an online platform by public or private institutions of higher education in the state to assist students accessing public benefits (online platform).

Section 2 creates the economic mobility program within the department of public health and environment and requires the department to develop and implement the program to improve health and educational outcomes associated with reduced poverty and improved economic mobility for Coloradans. To fund the program, the economic mobility program fund (fund) is created and \$4 million is transferred to the fund from the economic recovery and relief cash fund.

For the 2022-23 state fiscal year, \$1,720,060 is appropriated from the fund to the department of public health and environment for use by the prevention services division for maternal and child health and administration and \$171,000 is appropriated from the general fund to the department of education for the online platform.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

S.B. 22-191 Office of information technology - procurement of information technology resources. The office of information technology (office) is required to initiate the procurement of information technology (IT) resources and is required to participate in other IT procurement-related activities on behalf of a state agency; except that a state agency may initiate solicitations and contracts for IT resources with prior approval of the procurement official of the office. If a state agency does not receive written approval or disapproval from the procurement official for the office within 30 business days after submitting a procurement request to the office for review, the state agency may assume that it has

received the prior approval of the office and is authorized to initiate the procurement or solicitation process.

The balance of the existing technology risk prevention and response fund (fund) is capped at \$50 million. The office may contribute money to the fund from the operations and maintenance fees associated with the billing practices of the office.

Any money appropriated from the general fund to the office or a state agency for the procurement of IT resources or projects that is unexpended or unencumbered at the end of a fiscal year as a result of savings achieved in connection with such procurement must be transferred to the fund.

A contract for the licensing of software applications that are designed to run on generally available desktop or server hardware cannot limit a governmental body's ability to install or run the software on the hardware of the governmental body's choosing.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

S.B. 22-194 Office of economic development - creative industries division - creative industries cash fund - authority - art in public places program. The creative industries division in the office of economic development is authorized to spend money credited to the creative industries cash fund from the capital construction fund for the purposes of the art in public places program that is unexpended and unencumbered at the end of a fiscal year in the next 2 fiscal years, rather than in the next fiscal year only, without further appropriation.

APPROVED by Governor May 20, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-206 Disaster preparedness and recovery - disaster resilience and rebuilding program - sustainable rebuilding program - office of climate preparedness - homeowner's insurance study - aviation resources for wildfire suppression - appropriation. Section 2 of the act creates the disaster resilience rebuilding program in the division of local government (division) in the department of local affairs. The disaster resilience rebuilding program's purpose is to provide loans and grants to homeowners, owners of residential rental property, businesses, governmental entities, and other organizations working to rebuild after a disaster emergency. The division may contract with a governmental entity, bank, community development financial institution, or other entity to administer the disaster resilience rebuilding program.

The division or an administrator is required to establish policies for administering the disaster resilience rebuilding program, including application requirements, eligibility requirements for applicants, maximum assistance levels, loan terms, equitable outreach, and any specific criteria for the allowable uses of the loans and grants. The division is required to prioritize applicants who demonstrate that their needs cannot be met by other sources of assistance.

Loans and grants may be used to:

- Subsidize costs to repair or rebuild a homeowner's primary residence that are insufficiently covered by the homeowner's insurance or by federal assistance programs, including costs of rebuilding to advanced fire resistance standards and to replant climate ready trees and vegetation;
- Repair or reconstruct housing stock in areas that are experiencing a shortage of available housing by housing authorities and nonprofit organizations working to repair or reconstruct housing stock, or by owners of rental housing who agree to requirements to provide affordable rent or temporary rental assistance to displaced renters;
- Rebuild neighborhoods in a manner intended to resist the impacts of natural disasters;
- Provide operating capital to a business experiencing a loss or interruption of business or to pay to repair or replace damaged business property and inventory;
- Reimburse governmental entities for costs associated with a declared disaster that are not covered by available federal assistance, including infrastructure repairs and replacement of lost revenue; or
- Assist eligible applicants in addressing other related unmet needs as allowed by division policies.

Section 2 also creates the disaster resilience rebuilding program fund. The state treasurer is required to transfer \$15 million from the general fund to the fund after the effective date of the act. The money in the fund is continuously appropriated to the division for the rebuilding program.

Section 3 creates the sustainable rebuilding program in the Colorado energy office. The office is required to consult with the department of local affairs in creating the sustainable rebuilding program. The sustainable rebuilding program's purpose is to provide loans and grants to homeowners, owners of residential rental property, and businesses that are rebuilding after a wildfire or other natural disaster to cover costs associated with building high performing, energy efficient, and resilient homes and structures. The office may contract with a governmental entity, Colorado-based nonprofit green bank with history and expertise in providing loans and grants for energy efficiency projects and services, business nonprofit organization, bank, or community development financial institution to administer the sustainable rebuilding program.

The Colorado energy office or an administrator is required to establish policies for administering the sustainable rebuilding program, including application requirements, eligibility requirements for homeowners and businesses, maximum assistance levels, loan terms, equitable outreach, and any specific criteria for the allowable uses of the loans and grants.

The loans and grants may be used to:

- Install high-efficiency heat pumps for heating space or water;
- Achieve advanced energy certifications, including from Energy Star, the Passive House Institute U.S., the United States department of energy zero energy ready homes, or other similar programs;
- Achieve net zero energy or net zero carbon buildings with the addition of renewable energy generation;
- Assist with the costs of installing battery storage and electric vehicle charging stations;

- Cover the incremental costs of building to the most recent energy standard adopted by a local jurisdiction compared to the earlier version of the jurisdiction's energy code; and
- Support other similar uses identified by the office.

The act creates the sustainable rebuilding program fund. The state treasurer is required to transfer \$20 million to the fund after the effective date of the act. The money in the fund is continuously appropriated to the office for the sustainable rebuilding program and for development of the disaster survivor portal that may be created as authorized by section 6.

Section 4 creates the office of climate preparedness in the governor's office. The office is required to coordinate disaster recovery efforts for the governor's office and to develop, publish, and implement the statewide climate preparedness roadmap (roadmap).

The office of climate preparedness may establish interagency and intergovernmental task forces and community advisory groups to inform and support the work of the office. The office may promote community engagement and information sharing and further efforts to implement the recommendations of the roadmap.

The office of climate preparedness is required to coordinate the implementation of the roadmap and may establish criteria for evaluating existing programs in all other state agencies to ensure implementation of the roadmap and its governing principles.

No later than December 1, 2023, the office of climate preparedness is required to prepare and publish and, every 3 years thereafter, update the roadmap. The roadmap must integrate and include information from all existing and future state plans that address climate mitigation, adaptation, resiliency, and recovery. The roadmap must build upon this previous body of work, seek to align existing plans, and identify any gaps in policy, planning, or resources. The roadmap must identify strategies for how the state will grow in population and continue to develop in a manner that meets certain goals specified in the act.

Section 5 requires the commissioner of insurance (commissioner) to conduct a study and prepare a report on methods to address the stability, availability, and affordability of homeowner's insurance in Colorado with a focus on stabilizing the market. The commissioner may contract with a third party and is required to consult with stakeholders in completing the study.

Section 6 removes the existing cap on the size of grants that the governor may provide to individuals to meet disaster-related expenses that cannot be met from other means of assistance. Section 6 also requires the office of emergency management to coordinate with the governor's office, federal agencies, and other state and local agencies to ensure that individual disaster assistance is delivered in a coordinated effort. The office of emergency management is authorized to create a disaster survivor portal in collaboration with the department of local affairs and the Colorado energy office. The portal may provide a coordinated method to access individual disaster assistance benefits, including from the disaster resilience rebuilding program and the sustainable rebuilding program.

Section 7 requires the division of fire prevention and control (DFPC) in the department of public safety to establish and maintain a statewide fire dispatch center for rapid responses to wildfires and all-hazard incidents.

Section 8 authorizes the center of excellence within the DFPC to develop and implement a Colorado team awareness kit. Section 8 also requires the transfer of \$15,500,000 from the disaster emergency fund to the Colorado firefighting air corps fund for use by the DFPC to implement the statewide fire dispatch center and the team awareness kit and for the leasing of appropriate aviation resources for wildfire suppression. Section 9 requires the transfer of \$2,700,000 from the disaster emergency fund to the capital construction fund for use by the DFPC for capital construction related to aviation resources for wildfire suppression.

The \$2,700,000 transferred in section 9 is appropriated to the department of public safety in section 12 for capital construction related to aviation resources for wildfire suppression.

APPROVED by Governor May 17, 2022

EFFECTIVE May 17, 2022

S.B. 22-211 Ridge View Supportive Residential Community - creation - appropriation. The department of human services (department) is required to transfer ownership of all or part of the Ridge View campus in Watkins, Colorado to the department of personnel for use by the division of housing (division) for a supportive residential community to provide transitional housing, a continuum of behavioral health service treatment, medical care, vocational training, and skill development for its residents and the general public. The division, in collaboration with the behavioral health administration and the department of human services, is required to develop a feasible master plan for the redevelopment and operations of the Ridge View campus into the Ridge View Supportive Residential Community, including a financial plan for start-up and ongoing operational costs. The division is required to enter into one or more contracts with public or private contractors to establish the Ridge View Supportive Residential Community at the Ridge View campus.

The department, in partnership with the behavioral health administration and the department of health care policy and financing, is required to work to ensure that youth bed capacity will be created elsewhere in a manner that most appropriately serves the mental health needs of Colorado's youth.

The Ridge View Supportive Residential Community is required to provide the following services and programs:

- A transitional housing program for individual adults with case management, care coordination, and vocational and housing placement assistance;
- A continuum of behavioral health services and treatment, informed by American Society of Addiction Medicine standards, available to people coming from the transitional housing program and to the general public; and
- A federally qualified health center or other primary care clinic at which people have access to medical treatments that help facilitate recovery, including medical and dental care and a continuum of behavioral health services. The health clinic and all behavioral health services and treatment are required to be accessible to people in the transitional housing program and the general public.

For the 2022-23 state fiscal year, and to the extent not spent in that state fiscal year the 2023-24 state fiscal year as well, the act appropriates money from the economic recovery

and relief cash fund to the division for the repurposing of the Ridge View campus. The division is authorized to use up to 10% of the amount appropriated for its administrative costs in connection with the repurposing of the Ridge View campus and up to 10% of the amount appropriated for its costs in connection with transportation. The act also appropriates \$44,557 from the general fund to the department for use by the behavioral health administration to implement the act.

APPROVED by Governor May 31, 2022

EFFECTIVE May 31, 2022

S.B. 22-214 General fund - PERA payment cash fund - transfer. On July 1, 2022, the state treasurer is required to transfer \$198,470,883 from the general fund to the PERA payment cash fund.

APPROVED by Governor May 17, 2022

EFFECTIVE May 17, 2022

S.B. 22-215 Infrastructure Investment and Jobs Act cash fund - creation - reporting - appropriation. The act creates the "Infrastructure Investment and Jobs Act" cash fund (fund) and requires the state treasurer to transfer \$80,250,000 to the fund. The money in the fund is subject to annual appropriation by the general assembly to the office of the governor (office) and to departments. Money in the fund is to be used, subject to approval by the governor, as the nonfederal matching funding necessary for the state or a local government to be eligible to receive federal approval and federal funds for certain categories of infrastructure projects allowed under the federal "Infrastructure Investment and Jobs Act". The office must establish a process for receiving, reviewing, and approving applications and awarding and distributing money from the fund. The office, as well as state departments receiving money from the fund, are subject to annual reporting requirements.

\$60 million is appropriated from the fund to the office and to a department, as defined in the act, for the 2021-22 state fiscal year, and any money appropriated and not expended prior to July 1, 2022, is further appropriated through the 2026-27 state fiscal year.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

S.B. 22-217 Motor vehicle programs that benefit persons with disabilities - Colorado disability funding committee - auction of license plate configurations - sale of license plate configurations and historical license plate backgrounds - disabled parking education and enforcement fund - income tax credit for purchases of uniquely valuable motor vehicle registration numbers - rehabilitation services. The Colorado disability funding committee (committee) auctions Colorado motor vehicle license plate configurations to raise money for grants to assist persons with disabilities in accessing disability benefits and to fund new and innovative ideas that improve the quality of life and independence of persons with disabilities. Sections 1 through 5 and 13 of the act correct technical issues, consolidate statutory provisions, clarify the grant process, and clarify the license plate sales process in connection with the committee.

Section 6 exempts the disability support fund, which supports the activities of the committee, from the limit on uncommitted reserves in cash funds.

Section 7 modifies the existing income tax credit for purchases of uniquely valuable motor vehicle registration numbers to specify that the amount of the credit allowed is 20% of the purchase price of the motor vehicle registration number.

Sections 8 and 9 specify that the committee is authorized to spend money from the disabled parking education and enforcement fund (fund) for the existing purposes of the fund and to provide education regarding parking for persons with disabilities.

Section 10 allows a person to reserve a license plate for which no motor vehicle has ever been registered if the person purchased the license plate configuration from the committee.

Section 11 authorizes the department of motor vehicles to sell multiple historical license plate backgrounds to benefit the committee. In addition, section 11 makes clarifying changes regarding the administration of historic license plate background sales.

Section 12 modifies the rehabilitation services that the department of labor and employment is currently required to provide at public cost without consideration of financial need.

APPROVED by Governor June 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-232 Housing development fund. The act creates the middle-income housing authority (authority) for the purpose of acquiring, constructing, rehabilitating, owning, operating, and financing affordable rental housing projects for middle-income workforce housing. The authority is governed by a board of directors composed of appointees by the governor with the consent of the senate. The bill specifies requirements governing the appointment of board members and other administrative details. The board must solicit project proposals by October 1, 2022. Rental units in affordable rental housing projects must provide middle-income workforce housing with stable rents.

The authority is a "public entity" and is a "special purpose authority" for the purpose of TABOR.

The authority is authorized to exercise the powers necessary to acquire, construct, rehabilitate, own, operate, and finance affordable rental housing projects, including but not limited to:

- The power to issue bonds in connection with its affordable rental housing projects payable solely from revenues from affordable rental housing projects and with no recourse to the state;
- The power to enter into public-private partnerships and to contract with experienced real estate professionals to develop and operate affordable rental housing projects;
- The power to employ its own personnel or contract with public or private entities, or both, for services necessary or convenient to the conduct of all of the authority's activities;
- To provide assistance to tenants in its rental housing to enable a transition to home ownership; and

- To establish one or more controlled entities to carry out its activities.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

S.B. 22-233 Taxpayer's Bill of Rights - excess state revenues - temporary refund mechanism for state fiscal year 2021-22 - appropriation. If the state exceeds its constitutional spending limit, then it is required by the Taxpayer's Bill of Rights (TABOR) to refund the excess state revenues (TABOR refunds). There are currently 3 TABOR refund mechanisms: Reimbursement to counties for the senior homestead exemption, a temporary income tax rate reduction, and a sales tax refund.

The act establishes a temporary fourth TABOR refund mechanism for excess state revenues from all sources for state fiscal year 2021-22. Under this mechanism, if the amount of excess state revenues exceeds the projected total amount of TABOR refunds issued as reimbursement to counties for the senior homestead exemption and, if applicable, through the temporary income tax rate reduction, then on or before September 30, 2022, the department of revenue is required to issue refund checks to every qualified individual in an identical amount; except that, for qualified individuals who were granted an extension to file a state income tax return and timely file the state income tax return, the refund checks must be issued on or before January 31, 2023.

The refund amount is \$400 for every qualified individual who files a single income tax return or who applies for a property tax, rent, or heat credit rebate and \$800 for each pair of qualified individuals who file a joint income tax return or who apply for a property tax, rent, or heat credit rebate; except that:

- If the anticipated aggregate amount of the refund plus the estimated amounts to be refunded through reimbursement to counties for the senior homestead exemption and the temporary income tax rate reduction is estimated to refund less than 85% of the total amount of excess state revenues, then the executive director of the department of revenue must increase the refund amount so that the aggregate amount refunded is approximately equal to 85% of the total excess state revenues inclusive of amounts to be refunded through reimbursement to counties for the senior homestead exemption and the temporary income tax rate reduction; and
- If the anticipated aggregate amount of the refund, plus the estimated amounts to be refunded through reimbursement to counties for the senior homestead exemption and the temporary income tax rate reduction, is estimated to refund more than 87% of the total excess state revenues, then the executive director of the department of revenue may decrease the refund, to avoid an over-refund, to an amount less than \$400 for every qualified individual who files a single income tax return or who receives a property tax, rent, or heat credit rebate and \$800 for each pair of qualified individuals who file a joint income tax return or who receive a property tax, rent, or heat credit rebate.

Any increase or decrease to the refund amount must be rounded to the nearest fifty dollar increment and must maintain an equal temporary refund for every qualified individual that is doubled for each pair of qualified individuals filing a joint return or applying jointly for a property tax, rent, or heat credit rebate.

"Qualified individual" is defined for purposes of the act as a natural person who is at least 18 years of age on or before December 31, 2021, is a Colorado resident for the entire 2021 income tax year, and files a state income tax return for the 2021 income tax year or applies for a property tax, rent, or heat credit rebate.

\$2,578,995 is appropriated from the general fund to the department of revenue to implement the temporary TABOR refund mechanism and \$1,715,635 of that appropriation is reappropriated to the department of personnel to provide related document management services for the department of revenue.

APPROVED by Governor May 23, 2022

EFFECTIVE May 23, 2022

S.B. 22-239 State buildings - existing buildings in the capitol complex - funding for capital construction - annual depreciation-lease equivalent payments - reduction in costs for leased space - capitol complex renovation fund - purchase of utilities conservation equipment - office space under control of general assembly - appropriation. On September 1, 2022, the state treasurer is required transfer to the capitol complex renovation fund (fund) any amounts credited to state agency capital reserve accounts on June 30, 2022, for annual depreciation-lease equivalent payments that are funded in connection with every appropriation in the capital construction section of the annual general appropriation act. For the 2022-23 fiscal year through the 2028-29 fiscal year, the state controller is required to credit the annual depreciation-lease equivalent payments to the fund rather than to the state agency capital reserve accounts.

Each state agency that terminates a lease for private space is required to calculate the annual reduction in its costs for leased space. Beginning in the 2023-24 fiscal year, the general assembly is required to annually transfer an amount equal to each state agency's annual reduction in lease costs to the capital construction fund. Such transfers continue until the state treasurer determines that the amount transferred to the capital construction fund from lease savings equals the amount transferred to the fund from the annual depreciation-lease equivalent payments.

The capitol complex renovation fund is created, and the money in the fund is appropriated to the department of personnel for certain capital construction needs for existing state-owned buildings in the capitol complex. Up to \$23 million of the money in the fund is set aside for use by the legislative department for improvements to legislative spaces in the capitol complex. The department of personnel is required to submit a quarterly report to the capital development committee regarding the status of the capitol complex renovations funded with money in the fund.

Any unexpended and unencumbered money appropriated to a department in a specific line item for utilities in a fiscal year remains available for expenditure in the next fiscal year without further appropriation for the department to purchase utilities conservation equipment or services.

\$18,600,000 is transferred from the capitol complex master plan implementation fund to the fund.

Two floors of the capitol building annex at 1375 Sherman street are included in the spaces over which the general assembly has control and for which the general assembly is responsible for the supervision of maintenance.

For the 2022-23 state fiscal year, \$26,721,314 is appropriated to the department of personnel from the fund. The department may use the appropriation for capital construction related to capitol complex renovation projects pursuant to the act.

APPROVED by Governor June 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1001 Department of state - secretary of state fees - general fund transfer to department of state cash fund to offset fee reductions. The act requires the state treasurer to transfer \$8,435,000 from the general fund to the department of state cash fund on July 1, 2022, for use by the department of state to offset the costs of reducing certain of the secretary of state's business-related fees during state fiscal year 2022-23.

APPROVED by Governor May 16, 2022

EFFECTIVE May 16, 2022

H.B. 22-1003 Youth delinquency - prevention and intervention - grant program - appropriation. The act establishes the delinquency prevention and young offender intervention pilot grant program (program) in the division of criminal justice (division) within the department of public safety (department). The program awards 2-year grants to local governments, American Indian tribes, and nonprofit organizations to fund projects to reduce crime among youth. Preference is given to applicants whose projects demonstrate a community-based response in which multiple community-based partners coordinate to reduce youth involvement in the juvenile justice system.

The division administers the program. The juvenile justice and delinquency prevention council serves as an advisory board for the program.

The program is a 2-year pilot program. The act requires the general assembly to appropriate \$2.1 million for the program in each of the next 2 fiscal years. The division provides annual reports to the general assembly about the program. In its hearing pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" for the 2024 legislative session, the department shall report on the program and make a recommendation of whether to continue the program.

The act appropriates \$2,100,000 from the general fund to the department of public safety for state fiscal year 2022-23 for the program.

APPROVED by Governor May 19, 2022

EFFECTIVE May 19, 2022

H.B. 22-1007 Creation of wildfire mitigation resources and best practices grant program in the state forest service - extension of existing income tax deduction to offset landowner's costs in performing wildfire mitigation measures - creation of income tax credit to reimburse landowner for costs incurred on performing wildfire mitigation measures on the landowner's property. The act establishes the wildfire mitigation resources and best practices grant program (grant program) within the Colorado state forest service (forest service). To be eligible to receive a grant, a recipient must be an agency of local government, a county, a municipality, a special district, a tribal agency or program, or a nonprofit organization.

The forest service is tasked with reviewing grant applications. Grants must be awarded only to applicants proposing to conduct outreach among landowners in high wildfire hazard areas, and the forest service must consider the potential impact of an applicant's proposed outreach when awarding grants. The forest service must report to the wildfire matters review committee on the grant program.

Commencing no later than the 2023-24 state fiscal year, the act requires the general assembly to annually appropriate money from the general fund to the healthy forests and vibrant communities fund to implement the grant program.

The act extends the existing income tax deduction created to offset the landowner's costs incurred in performing wildfire mitigation measures, currently set to expire with the 2024 income tax year, through the 2025 income tax year.

The act also creates a state income tax credit to reimburse a landowner for the costs incurred in performing wildfire mitigation measures on the landowner's property. Specifically, a landowner with a federal taxable income at or below \$120,000, annually adjusted for inflation and rounded to the nearest hundred dollars, for any income tax year commencing on or after January 1, 2023, but prior to January 1, 2026, is allowed a state income tax credit in an amount equal to 25% of up to \$2,500 in costs for wildfire mitigation measures.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

H.B. 22-1029 Direct distributions to public employees' retirement association - additional 2022 distribution - reduction in 2023 and 2024 distributions. In order to recompense the public employees' retirement association (PERA) for the cancellation of a previously scheduled July 1, 2020, direct distribution of \$225 million, the act requires an additional direct distribution to PERA of \$380 million to be made on the effective date of the act or as soon as possible thereafter. The act also reduces the \$225 million July 1, 2023, direct distribution to PERA that is scheduled under current law by at least \$155 million but no more than \$190 million, depending upon the amount of investment income earned by PERA on the additional \$380 million direct distribution so that the July 1, 2023, direct distribution will be between \$35 million and \$70 million. Finally, the act reduces the \$225 million July 1, 2024, direct distribution to PERA that is scheduled under current law by the lesser of an amount equal to 7.25% multiplied by \$380 million or an amount equal to PERA's annual rate of return on investments as reported in PERA's 2022 annual report multiplied by \$380 million; except that there is no reduction if the rate of return is zero or less.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

H.B. 22-1057 Teacher service retiree - working after retirement temporary waiver - critically needed substitute teachers. Current law limits the number of days that a retired teacher who is a public employees' service association (PERA) retiree can work as a substitute teacher for a PERA employer without reduction in PERA retirement benefits. The act temporarily waives these limits for qualified service retirees in any school district or charter school while there are critical substitute teacher shortages. This temporary waiver does not count against the additional 10 service retirees that a state college or university or an employer in the school division or the Denver public schools division of PERA may hire. For purposes of the act, "substitute teacher" is defined to have no restriction in the length of

a continuous assignment.

APPROVED by Governor March 17, 2022

EFFECTIVE March 17, 2022

H.B. 22-1077 Colorado nonprofit security grant program - appropriation. The act creates the Colorado nonprofit security grant program to provide money to qualified nonprofit organizations that are at high risk of a terrorist attack and that applied for, but did not receive, a grant from the federal nonprofit security grant program. Grant recipients may use the money for the following security-related activities:

- The installation of security equipment on real property owned or leased by the nonprofit organization;
- Security-related planning, exercises, training, and contracted security personnel;
- New or existing infrastructure; except that priority must be given to existing infrastructure projects; or
- Any other approved security enhancements.

The act appropriates \$500,000 from the general fund to the department of public safety for use by the division of homeland security and emergency management.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

H.B. 22-1082 Enforcement of state housing laws - expansion of list of state statutes for which attorney general may bring enforcement actions to include various housing-related laws - creation of fair housing unit within the department of law. The act expands the statutory list of state laws for which the attorney general may bring civil and criminal enforcement actions to include various statutory provisions relating to housing.

The act also creates the fair housing unit within the department of law.

When there is reason to believe that there is a potential violation of law that risks harm to a consumer, public health, or public safety, that is based on a substantiated complaint, the act permits the attorney general to investigate any person or organization that is otherwise subject to the attorney general's existing statutory authority. A complaint is not necessary if the information is provided by an agency of the federal, state, or a local government that regulates or provides protections for consumers, tenants, and mobile home residents. The attorney general may direct or subpoena any person whose testimony may be required about potential violations of law and may direct or subpoena the person to produce records the attorney general considers relevant to the inquiry.

Nothing in the act impacts or affects banking examinations and regulations promulgated by primary federal and state banking authorities, notwithstanding the attorney general's existing legal authority.

When the attorney general has reasonable cause to believe that any person, whether in this state or elsewhere, has engaged in or is engaging in a violation of certain housing-related statutes, the attorney general may take various steps, enumerated in the act, to investigate the possible violation.

The act specifies requirements concerning the venue in which enforcement actions may be brought, the issuance of subpoenas and the production of documents, admissibility of testimony, remedies for failure to cooperate or to obey a subpoena, injunctive authority and assurances of discontinuances, penalties, and the limitations period governing the filing of an action alleging violations of housing-related statutes.

APPROVED by Governor May 17, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1101 PERA service retirees - expansion of authorization for full-time employment in rural schools. The act expands a program, which had been scheduled to repeal on July 1, 2023, that allows a public employees' retirement association (PERA) service retiree to work full-time without any reduction in the service retiree's retirement benefits for a rural school district that has a critical shortage of qualified individuals with specific experience, skills, or qualifications that the service retiree has by:

- Making the program permanent;
- Adding school nurses and paraprofessionals to those who are eligible for post-PERA retirement full-time employment; and
- Allowing a board of cooperative services or a charter school that is located within a rural school district and that has such a critical shortage to participate in the program.

The act also requires PERA to submit additional reports, containing the same types of information as the initial report that PERA submitted as required by law in 2020, to the finance committees of the general assembly on or before December 1, 2025, and on or before December 1 of each fifth year thereafter.

APPROVED by Governor March 17, 2022

EFFECTIVE March 17, 2022

H.B. 22-1102 Protected class status for veteran or members of the military under fair housing practices. The act forbids anyone selling or renting a dwelling from discriminating against an individual based on their veteran or military status. The act forbids anyone from refusing to negotiate for housing with an individual on the basis of their veteran or military status or otherwise denying or withholding housing on the basis of an individual's veteran or military status. For purposes of the act, an individual who was dishonorably discharged from military service does not have veteran or military status.

The act allows inquiries regarding an individual's veteran or military status to the extent necessary to determine if the individual is eligible for a benefit offered to veterans or members of the military. The act also permits the advertisement of veteran or military housing or any other veteran or military housing benefit. The act permits adherence to federal regulations governing veterans affairs benefits.

APPROVED by Governor April 4, 2022

EFFECTIVE April 4, 2022

H.B. 22-1108 Revenue and expenditure web-based system - inclusion of vendor. The act requires the state revenue and expenditure web-based system (web-based system), which is a free, searchable, web-based system that provides public access to information about state and county revenue and expenditures, to include, without redaction, the name of the vendor paid in connection with each expenditure included in the system; except that the web-based system is not required to include the legal name of the vendor if the state agency has determined that the public interest is best served by excluding the legal name of the vendor or that including the legal name of the vendor is otherwise prohibited by law. In addition, the act changes the responsibility for managing the web-based system from the chief information officer in the office of information technology to the department of personnel.

APPROVED by Governor April 18, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1110 Selecting a chief executive officer under executive session - board of education - charter schools. The act authorizes a board of education of a school district and the governing body of a district charter school or of an institute charter school to meet in executive session to discuss negotiations for an employment contract with one or more finalists for the position of chief executive officer, as long as the following conditions have been satisfied:

- The board or governing body has named more than one candidate as a finalist for the position of chief executive officer; and
- The board or governing body holds a public forum to conduct interviews with each of the finalists.

The act defines "chief executive officer" as a superintendent of a school district or a chief executive officer of a charter school.

The act clarifies that the board or governing body may, in addition to interviewing finalists in a public forum, interview finalists in executive session and instruct personnel and representatives to begin contract negotiations with one or more candidates in executive session, including the necessary process to prioritize, for the purposes of negotiation, one or more finalists after public forums have been completed.

APPROVED by Governor April 4, 2022

EFFECTIVE April 4, 2022

H.B. 22-1119 False claims act - department of law - claims paid by the state - actions by private persons - appropriation. The act establishes the "Colorado False Claims Act" (false claims act). Pursuant to the false claims act, a person is liable to the state or a political subdivision of the state for a civil penalty if the person commits, conspires to commit, or aids and abets the commission of any of the following (collectively, "false claims"):

- Knowingly presenting, or causing to be presented, a false or fraudulent claim for payment or approval;
- Knowingly making, using, or causing to be made or used a false record or statement material to a false or fraudulent claim;
- Having possession, custody, or control of property or money used, or to be

- used, by the state or a political subdivision and knowingly delivering, or causing to be delivered, less than all of the money or property;
- Authorizing the making or delivery of a document certifying receipt of property used, or to be used, by the state or a political subdivision and, with the intent to defraud the state or political subdivision, making or delivering the receipt without completely knowing that the information on the receipt is true;
- Knowingly buying, or receiving as a pledge of an obligation or debt, public property from an officer or employee of the state or a political subdivision who lawfully may not sell or pledge the property;
- Knowingly making, using, or causing to be made or used a false record or statement material to an obligation to pay or transmit money or property to the state or political subdivision, or knowingly concealing or knowingly and improperly avoiding or decreasing an obligation to pay or transmit money or property to the state or political subdivision; or
- Knowingly making, using, or causing to be made or used, a false record or statement resulting in the underpayment of unemployment premiums or the payment of unemployment insurance benefits of more than \$15,000 in a calendar year.

A person who makes a false claim is liable to the state for a civil penalty of \$11,800 to \$23,600 per violation, plus 3 times the amount of the damages sustained by the state. A court may assess a reduced penalty if the person who makes a false claim furnishes to investigators all the information the person knows about the violation within 30 days after first learning of a potential violation, the person did not know about the investigation when the person furnished the information, and the person fully cooperated with the investigation as follows:

- If the person furnished the information prior to an action being filed, the person is subject to a civil penalty of \$5,900 to \$11,800 per violation, plus 1.5 times the amount of the damages.
- If the person furnished the information while a pending action was under seal, the person is subject to a civil penalty of \$7,800 to \$15,700 per violation, plus double the amount of the damages.

The civil penalty range amounts for a violation are annually adjusted for inflation, rounded upward or downward to the nearest ten-dollar increment and certified by the secretary of state. A person who makes a false claim is also liable for the costs incurred for the investigation and prosecution of the false claim.

The attorney general may accept from a person alleged to have made a false claim an assurance of discontinuance or a consent order approved by a court in lieu of, or as a part of, a false claims action. Proof by a preponderance of the evidence of a violation of an assurance or stipulation or consent order is prima facie evidence of a violation for the purposes of any civil action or proceeding brought by the attorney general after the alleged violation of the assurance or stipulation or consent order, whether a new action or a motion or petition in a pending action or proceeding.

The false claims act requires the attorney general to investigate false claims. The attorney general or a private person may bring a civil action against a person who made a false claim. The attorney general may intervene in an action brought by a private person. A private person who brings a false claims action may be awarded up to 30% of the proceeds from the action based on the extent the private person contributed to the investigation and

prosecution of the false claim. If the private person is an employee of the state and learns information about the false claim in the course of the person's work, the court will award that amount to the state.

The false claims act requires that a false claims action be filed in a state district court or federal court with jurisdiction over the action. A court cannot hear a false claim action:

- Brought against a serving member of the general assembly, a member of the state judiciary, an executive director of a state agency, or an elected official in the executive branch of the state of Colorado, acting in the member's, executive director's, or official's official capacity;
- Brought against an elected official of a political subdivision, a member of a political subdivision's judiciary, or an appointed official of a political subdivision, acting in the official's or member's official capacity; or
- Based on the same allegations or transactions that are the subject of a different civil or administrative proceeding.

The false claims act prohibits retaliatory action against an individual because of the individual's efforts in furtherance of investigating, prosecuting, or stopping false claims. A court hearing a false claims action may hear a claim for retaliation against the individual.

The false claims act clarifies how information subject to a person's attorney-client privilege is protected, unless the privilege is waived, an exception to the privilege applies, or disclosure of the information is permitted by an attorney pursuant to certain federal regulations applicable to attorneys appearing and practicing before the federal securities and exchange commission, the applicable Colorado rules of professional conduct, or otherwise.

The false claims recovery cash fund (fund) is created and any proceeds retained by the state from a false claims action are transferred to the fund. Subject to annual appropriation, the department of law may use money in the fund for the costs of investigating and prosecuting false claims. Remaining proceeds are transferred to the fund from which the false claim was paid and the false claims act sets forth the process for paying to a political subdivision any proceeds recovered that are attributable to the political subdivision.

The false claims act requires the attorney general to annually submit a report to specified committees of reference about false claims actions during the previous fiscal year.

The act authorizes the state auditor to share information about potential false claims with the attorney general and a political subdivision.

The act appropriates \$13,568 from the general fund to the legislative department for use by the office of the state auditor.

APPROVED by Governor June 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1120 Public safety - school security disbursement program. The school security disbursement program (program), which was repealed in 2021, is recreated and reenacted

in the department of public safety (department) to provide funding for school districts, district charter schools, institute charter schools, boards of cooperative services, and eligible nonprofit organizations (eligible entities) to implement school security improvements to prevent incidents of school violence.

Eligible entities may apply for a disbursement by submitting an application to the department. An eligible entity that receives a disbursement may use the money for one or more of the following purposes:

- Capital construction that improves the security of a public school facility or public school vehicle;
- Training in student threat assessment for school staff;
- In collaboration with local law enforcement agencies, providing the training for peace officers on interactions with students at school;
- School emergency response training for school staff;
- Programs to help students become more resilient in meeting the daily challenges they face without resorting to violence against themselves or others;
- Developing and providing training programs, curricula, and seminars related to school safety incident response; and
- Developing best practices and protocols related to school safety incident response.

The department is required to review the applications received from eligible entities and, subject to available appropriations, to disburse money to applicants that satisfy the application requirements from money credited to the school security disbursement cash fund. The department is required to give priority to applicants that commit to providing matching money for the amount of the disbursement received.

Each disbursement recipient is required to report to the department concerning its use of the money, and the department is required to annually provide a summary of the reports to specified committees of the general assembly. The program is repealed, effective July 1, 2032.

APPROVED by Governor May 19, 2022

EFFECTIVE May 19, 2022

H.B. 22-1133 Paid Family and Medical Leave Insurance Act - employer premiums - prepayment by the state for state employee coverage - appropriation. The act requires the state treasurer to transfer \$57 million from the revenue loss restoration cash fund to the family and medical leave insurance fund for use by the division of family and medical leave insurance (division) created under the "Paid Family and Medical Leave Insurance Act" (PFMLIA). The transferred money is an advance payment of premiums for state employee coverage that the state is required to pay under the family and medical leave insurance program established by the PFMLIA.

The division is required to credit the transferred money to state employer accounts and to annually continue to credit money to the state employer accounts until such accounts have a zero dollar balance and begin owing quarterly premiums as set forth in the PFMLIA. The executive director of the department of labor and employment is required to submit specified reports.

The act reduces the appropriations to state departments for employer premium payments for state fiscal year 2022-23.

APPROVED by Governor May 17, 2022

EFFECTIVE May 17, 2022

H.B. 22-1194 Department of public safety - division of fire prevention and control - local firefighter safety and disease prevention fund. The state treasurer is required to transfer \$5 million from the general fund to the local firefighter safety and disease prevention fund (fund). The money is continuously appropriated to the department of public safety (department). The division of fire prevention and control (division) in the department is required to use the money transferred to directly pay for equipment and training for local and volunteer fire departments or to reimburse local and volunteer fire departments for the costs of equipment and training without requiring a grant application and review process. If the division determines it cannot use the full amount to directly pay for equipment and training, it may use the money for any purpose authorized prior to January 1, 2022, for money in the fund. The division is required to prioritize fire departments that it identifies as having the greatest need for assistance to ensure firefighter safety.

APPROVED by Governor March 1, 2022

EFFECTIVE March 1, 2022

H.B. 22-1195 Capital construction - transfers from general fund to capital construction fund. On April 1, 2022, the act transfers:

- \$4,113,216 from the general fund to the capital construction fund; and
- \$950,690 from the general fund to the information technology capital account of the capital construction fund.

APPROVED by Governor March 7, 2022

EFFECTIVE March 7, 2022

H.B. 22-1196 State employees - compensation - pay equity study - appropriation. The act requires the equity diversity and inclusion task force (task force) established through a partnership agreement entered into pursuant to the "Colorado Partnership for Quality Jobs and Services Act" (partnership agreement) to contract for a pay equity study to assess pay inequities specific to gender, race, and other protected classes; to provide recommendations to alleviate pay inequities; and to comply with any other specifications set by the state personnel director, the task force, or the partnership agreement. A final report including findings and recommendations from the study must be provided by the contractor performing the study to the members of the general assembly, the governor, and the executive director of Colorado workers for innovative and new solutions, a certified employee organization pursuant to the "Colorado Partnership for Quality Jobs and Services Act". \$500,000 is appropriated from the general fund to the division of human resources in the department of personnel for expenses in connection with the pay equity study.

APPROVED by Governor March 1, 2022

EFFECTIVE March 1, 2022

H.B. 22-1225 Department of local affairs - Colorado resiliency office - continuation under sunset law. The act continues the functions of the Colorado resiliency office in the

department of local affairs until September 1, 2037, pursuant to the provisions of the sunset law.

APPROVED by Governor June 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1234 Identity-based violence - prevention - grant program - appropriation. The act establishes the preventing identity-based violence grant program (grant program) to provide grants for programs that focus on building strong communities and preventing acts of violence that threaten human life or critical infrastructure, venues, or key resources in which actors or groups intentionally target a discernible population of individuals in a manner that poses a threat to homeland security (identity-based violence).

A project funded with a grant award must build awareness for the prevention and intervention of identity-based violence within Colorado communities, strengthen local collaboration and capabilities for prevention and intervention of identity-based violence, or build sustainable support for the prevention and intervention of identity-based violence. The act requires the department of public safety (department) to annually evaluate environmental factors that lead to, and challenges to reducing, identity-based violence and permits the department to establish annual priorities for the grant program that address the identified factors and challenges.

A project funded with a grant award must not infringe on individual privacy, civil rights, and civil liberties. A grant recipient that is not a law enforcement agency is prohibited from collecting or maintaining intelligence information about an individual or group, association, corporation, business partnership, or other organization. The act requires a law enforcement agency to comply with federal regulations regarding the collection, maintenance, and use of intelligence information learned by the agency through a program funded with a grant award.

The office of prevention and security within the department reviews grant applications and awards grants in accordance with department rule. The act requires the general assembly to annually appropriate one million dollars to implement the program.

For the 2022-23 state fiscal year, the act appropriates one million dollars from the general fund to the department for the grant program.

APPROVED by Governor May 19, 2022

EFFECTIVE May 19, 2022

H.B. 22-1242 Department of local affairs - division of housing - state housing board - manufactured homes - tiny homes - inspections - connection to utilities - appropriation. Colorado law regulates the manufacturers, sellers, and installers of manufactured homes. This regulation includes requirements for the installation of manufactured homes, contract and disclosure requirements, and the registration, escrow, reimbursement, bonding, and inspections of the manufacturers, installers, and sellers. In addition, the state housing board (board) sets standards for the proper manufacture and installation of manufactured homes.

The board consults with an advisory committee when promulgating rules.

The act adds tiny homes, which are typically manufactured, to this regulation on substantially similar terms. This includes adding 2 representatives of the tiny home industry to the advisory committee. The board is given the duty to regulate foundations for manufactured homes, tiny homes, and factory-built structures where no construction standards otherwise exist. Manufacturers are required to meet bonding and escrow requirements, and standards are set for payment from the bond or escrow account.

In addition to adding tiny homes to these provisions, the act addresses tiny home regulation in the following manner:

- The board must promulgate rules establishing specific standards for tiny homes. When a national or international standard is created, the board may use that standard. The board may modify these standards as necessary.
- The board must establish standards for connecting a tiny home to utilities, including water, sewer, natural gas, and electricity;
- A state electrical inspector or a local government may approve the connection of a tiny home for electric utility service if the tiny home is in compliance with applicable codes and standards for connection for electric utility service;
- A state plumbing inspector or a local government may approve the connection of a tiny home for water, gas, or sewer utility service if the tiny home is in compliance with applicable codes and standards for connection for water, gas, or sewer utility service; and
- Standards are set for promulgating rules governing tiny homes.

If a tiny home is approved for connection to utilities through the process described above, the tiny home may be connected to the appropriate utilities. Current law governing the connection to each utility is amended to avoid conflicts with the process established in the act.

Selling or installing a tiny home without complying with the act is declared a deceptive trade practice, which subjects a violator to damages in a lawsuit and civil penalties of:

- Up to \$20,000 per violation;
- Up to \$10,000 for violating a court order or injunction; and
- Up to \$50,000 per violation if the victim is an elderly person.

Colorado law regulates mobile home parks, including notice requirements, lease termination limits and requirements, security deposit regulations, entry fee prohibitions, antitrust prohibitions, selling fee prohibitions, kickback prohibitions, retaliation prohibitions, regulation of how and if park rules are established, a right of first refusal when the owner wants to sell the mobile home park, a peaceful enjoyment right, and remedy provisions. The act includes tiny homes under these provisions.

Colorado law exempts manufactured homes from sales and use tax. The act adds tiny homes to this exemption. Tiny homes are classified as residential improvements for the purpose of property tax, which means the landowner will pay the lower residential tax rates on land that has a tiny home.

To implement the act, \$227,612 is appropriated from the general fund to the

department of local affairs and \$86,946 is appropriated from the division of professions and occupations cash fund to the department of regulatory agencies.

APPROVED by Governor May 17, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1243 School safety - school security disbursement program funding - temporary youth mental health services program - behavioral health care professionals in schools - appropriations. The act creates the school security disbursement program cash fund (cash fund). The department of public safety (department) may disburse money from the cash fund to school districts, charter schools, and boards of cooperative services to improve security within public schools. The act appropriates \$6 million from the general fund to the cash fund.

The act continues the temporary youth mental health services program and the bi-annual reporting requirements until June 30, 2024, and appropriates \$6 million from the behavioral and mental health cash fund to the department of human services for the program.

The act appropriates \$2 million from the behavioral and mental health cash fund to the department of education for the behavioral health care professional matching grant program.

Provisions of the act creating the school security disbursement program cash fund are contingent upon House Bill 22-1120, which recreates the school security disbursement program, becoming law.

APPROVED by Governor May 19, 2022

EFFECTIVE May 19, 2022

NOTE: House Bill 22-1120 was signed by the governor May 19, 2022.

H.B. 22-1266 State personnel system - state employee benefits - total compensation philosophy. The total compensation philosophy for employees in the state personnel system is modified to specify that it is the policy of the state to provide innovative total compensation that meets or exceeds total compensation provided by public or private sector employers to officers and employees in the state personnel system to ensure the recruitment, motivation, and retention of a qualified and competent workforce. References to "prevailing" total compensation and "prevailing practices" in connection with state employee benefits are eliminated.

APPROVED by Governor March 30, 2022

EFFECTIVE March 30, 2022

H.B. 22-1270 Name-based judicial record check. The act changes the term "name-based criminal history record check" to "name-based judicial record check" throughout the Colorado Revised Statutes.

APPROVED by Governor April 21, 2022

EFFECTIVE April 21, 2022

H.B. 22-1275 Public safety - schools - school safety resource center advisory board. The act continues the school safety resource center advisory board indefinitely.

APPROVED by Governor April 12, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1282 Affordable housing - innovative housing incentive program. The act creates the innovative housing incentive program (program) within the office of economic development (office). A business located in Colorado that has 500 or fewer employees and that manufactures certain types of housing may apply for funding through the program. Funding may be awarded through grants for operating expenses and for incentives for units manufactured based on criteria established by the office such as affordability, location where the unit is installed in the state, or meeting energy efficiency standards. Funding may also be awarded through loans that fund a new housing manufacturing factory or the expansion of an existing housing manufacturing factory. The act creates the innovative housing incentive program fund, requires a \$40 million transfer to the fund of money from the affordable housing and home ownership cash fund that originates from the general fund, and continuously appropriates all money in the fund to the office to fund the program. The office must annually report to the general assembly regarding the expenditure of money from the innovative housing incentive program fund.

APPROVED by Governor May 20, 2022

EFFECTIVE May 20, 2022

H.B. 22-1291 Department of regulatory agencies - new regulation of unregulated professional or occupational group - sunrise review process - timelines - ability to decline review - review criteria. Current law requires that a proposal to regulate a new professional or occupational group be submitted to the department of regulatory agencies (department) by December 1 of any year for a sunrise review by the department and requires the department to perform the review and report to the proponents and the general assembly by October 15 of the year following the submission. The act amends the timeline for the department to conduct sunrise reviews of proposals to regulate an unregulated professional or occupational group submitted on or after July 1, 2022, as follows:

- For proposals submitted between July 1 and December 31 of any year, the department must complete the review by June 30 of the following year; and
- For proposals submitted between January 1 and June 30 of any year, the department must complete the review by December 31 of that year.

Current law allows the department to decline to conduct an analysis and evaluation after reviewing a proposal to regulate a professional or occupational group if the department conducted a review within the previous 36 months and finds that no new information has been submitted that would affect the department's previous determination. The act allows the department to also decline to conduct a review if:

- The proposed regulatory scheme appears to regulate fewer than 250 individuals; or
- At least 33 other states license, certify, or require registration of members of the same professional or occupational group.

In determining whether a proposed regulation of a professional or occupational group is necessary, the act:

- Removes the requirement to consider whether, if the professional or occupational group remains unregulated, the potential for harm is easily recognizable and not remote or dependent upon tenuous argument; and
- Adds the requirement to consider whether the practitioners of the profession or occupation exercise independent judgment, and whether the public can reasonably be expected to benefit from the direct regulation of the profession or occupation if a practitioner's judgment or practice is limited or subject to the judgment or supervision of others.

APPROVED by Governor May 25, 2022

PORTIONS EFFECTIVE July 1, 2022
PORTIONS EFFECTIVE October 16, 2022

H.B. 22-1297 Standard time - daylight saving time. Currently, "United States Mountain Standard Time" (MST), defined in federal law as coordinated universal time minus 7 hours, is the standard time within Colorado. During the period of daylight saving time (i.e., the second Sunday in March to the first Sunday in November) time is advanced one hour. Federal law allows a state to stay on standard time year round, but does not currently allow a state to adopt daylight saving time year round.

The act makes daylight saving time, defined as coordinated universal time minus 6 hours, the year-round standard time within the state. The change takes effect only if a federal law is enacted to allow states to remain on daylight saving time year round and at least 4 states in the MST zone, in addition to Colorado, enact legislation making daylight saving time the state's standard time throughout the year.

APPROVED by Governor June 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1304 State grants for investments in affordable housing at the local level - local investments in transformational affordable housing grant program - infrastructure and strong communities grant program - eligible uses of grant funding - policies, procedures, and guidelines for grant program administration - local investments in transformational affordable housing fund - infrastructure and strong communities grant program fund - appropriation. The act creates 2 state grant programs:

- The local investments in transformational affordable housing grant program (affordable housing grant program), administered by the division of housing (DOH) in the department of local affairs (department); and
- The infrastructure and strong communities grant program (strong communities grant program), administered by the division of local government (DLG) in the department.

The affordable housing grant program provides grants to local governments and nonprofit organizations to enable such entities to make investments in their communities or regions of the state in transformational affordable housing and housing related matters. The

strong communities grant program provides grants to eligible local governments to enable local governments to invest in infill infrastructure projects that support affordable housing.

The strong communities grant program requires a multi-agency group, comprised of DLG, the state energy office, and the department of transportation, with the assistance of stakeholders, to develop a list of sustainable land use best practices that will accomplish the goals of the grant program and improve a local government's viability in being considered for a grant award.

The act requires both DOH and DLG to develop policies, procedures, and guidelines governing the administration of the respective grant programs. The act specifies how grant funding is to be prioritized and eligible uses of grant money awarded under the grant programs.

The act creates 2 funds in the state treasury: The local investments in transformational affordable housing fund and the infrastructure and strong communities grant program fund. The act specifies requirements pertaining to the administration of these funds.

The affordable housing grant program is initially funded by a transfer to the local investments in transformational affordable housing fund of \$138 million of money from the affordable housing and home ownership cash fund that originated from the federal coronavirus state fiscal recovery fund. The strong communities grant program is initially funded by a transfer to the infrastructure and strong communities grant program fund of \$40 million of money from the affordable housing and home ownership cash fund that originated from the federal coronavirus state fiscal recovery fund.

Both grant programs are subject to reporting requirements specified in the act, and both grant programs are repealed, effective December 31, 2026.

For the 2022-23 state fiscal year, \$431,985 is appropriated from various sources to the governor's office to implement the act.

APPROVED by Governor June 1, 2022

EFFECTIVE June 1, 2022

H.B. 22-1315 Department of local affairs - grant program - Colorado 2-1-1 collaborative. For state fiscal years 2021-22 and 2022-23, \$1,000,000 is annually appropriated from the general fund to the department of human services for use by administration and finance for grants for operational expenses related to the Colorado 2-1-1 collaborative. For the 2022-23 state fiscal year, an additional \$55,645 is appropriated from the general fund to the department for use by administration and finance for the 2-1-1 collaborative based on the assumption that the department will require an additional 0.9 FTE.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

H.B. 22-1318 Law enforcement, public safety, and criminal justice information sharing grant program fund - extension of spending deadline. The law enforcement, public safety, and criminal justice information sharing grant program provides grants to assist local law enforcement agencies in gaining access to the information sharing system created in the Colorado information sharing consortium (CISC). Grant recipients can use the money to pay for computer hardware, software, and programming costs necessary to connect to the CISC's

information sharing systems. There is money remaining in the law enforcement, public safety, and criminal justice information sharing grant program fund (fund), and multiple law enforcement agencies need additional time to join the CISC because their budget timelines differ from the state budget timeline. The act extends the deadline for using money in the fund from June 30, 2022, to June 30, 2023, to allow those law enforcement agencies enough time to join the CISC and use the fund.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

H.B. 22-1327 Federal Indian boarding schools - research program - sale of property - appropriation. The act establishes the federal Indian boarding school research program (research program) in the state historical society, known as history Colorado, to research and make recommendations to promote Coloradans' understanding of the physical and emotional abuse and deaths that occurred at federal Indian boarding schools in Colorado, including the victimization of families of youth forced to attend the boarding schools and the intergenerational impacts of the abuse. In addition to consultation with the Southern Ute Tribe and the Ute Mountain Ute Tribe described in the act, history Colorado shall consult with the Colorado commission of Indian affairs (commission) and may consult with any other federally recognized Indian tribe.

As part of the research program, the act requires history Colorado to research events, abuse, and deaths that occurred at the federal Indian boarding school at Fort Lewis, which was known as the Fort Lewis Indian school. History Colorado may enter into an agreement with a third party to conduct parts of the research. History Colorado is required to provide the commission, Southern Ute Tribe, and the Ute Mountain Ute Tribe with periodic updates about its research and is required to deliver a final report to the commission, Southern Ute Tribe, and the Ute Mountain Ute Tribe by June 30, 2023.

The act requires history Colorado, after delivering its final report, to facilitate consultation with the commission, the Southern Ute Tribe, and the Ute Mountain Ute Tribe to develop recommendations necessary to better understand the abuse and victimization that occurred at, and is related to, federal Indian boarding schools and to support healing in tribal communities. History Colorado must make the recommendations publicly available.

The department of human services (department) owns and operates a regional center on the property that was formerly the Teller institute federal Indian boarding school. The act requires the department to vacate the property and sell all or a portion of the property, or transfer all or a portion of the property, to a state institution of higher education, a local government, a state agency, or a federally recognized tribe in Colorado. The department is not permitted to sell or transfer the property until after the identification and mapping of any graves of students buried at the federal Indian boarding school that was located on the property and until after the department develops a plan, in consultation with tribal governments, to acknowledge the abuse and victimization of students and families related to the operation of the school.

The act appropriates \$618,611 from the general fund to the department of higher education for use by history Colorado for the research program.

APPROVED by Governor May 24, 2022

EFFECTIVE May 24, 2022

H.B. 22-1328 Small business recovery loan program - modifications to terms. The act adjusts various requirements applicable to the "Colorado Loans for Increasing Main Street Business Economic Recovery Act" (program) that provides small business recovery loans to Colorado businesses, funded in part through the sale of insurance premium tax credits. The act:

- Extends the period through which the program can issue capital for the loan program through fiscal year 2023-24;
- Increases the amount of capital that can be issued in the last 3 fiscal years of the program without increasing the total amount that can be issued for the life of the program;
- Lowers the minimum amount of a loan to a small business from \$30,000 to \$10,000;
- Lengthens the maximum initial maturity of a loan to a small business from 5 years to 10 years;
- Changes the requirements for an eligible borrower to require one year of positive cash flow instead of 2, and at least one employee instead of at least 5 employees;
- Clarifies the benchmarks that apply to the program for making loans to businesses owned by socially and economically disadvantaged individuals;
- Extends the time for the program to issue tax credits through state fiscal year 2022-23;
- Extends the period through which the program can issue tax credits through fiscal year 2022-23 without changing the total amount of tax credits that can be issued over the life of the program;
- Allows tax credits issued in fiscal years 2021-22 and 2022-23 to be claimed on a schedule beginning in a taxable year that begins on or after January 1, 2023; and
- Removes a requirement that if additional state or federal money is appropriated or allocated to the program, the value of the tax credits authorized by the program must be reduced by the same amount.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

H.B. 22-1332 ARPA compliance - OEDIT COVID-19 relief program - rural Colorado. Senate Bill 21-291 transferred \$40 million of "American Rescue Plan Act of 2021" (ARPA) money from the economic recovery and relief cash fund to the Colorado economic development fund and directed the office of economic development and international trade (OEDIT) to use \$10 million of the money transferred to incentivize small businesses to locate in rural Colorado and for the location neutral employment incentive program. To ensure that the use of the \$10 million complies with ARPA requirements, the act instead directs OEDIT to use the money to incentivize or support businesses in rural Colorado or to undertake any other economic development activity in rural Colorado that is authorized by specified current law in response to the negative economic impacts of the COVID-19 pandemic.

APPROVED by Governor April 25, 2022

EFFECTIVE April 25, 2022

H.B. 22-1335 Judicial department information technology infrastructure - transfer of money from revenue loss restoration cash fund to judicial department information technology cash

fund. The state treasurer is required to transfer \$24,131,390 from the revenue loss restoration cash fund to the judicial department information technology cash fund on July 1, 2022. The money transferred to the judicial department information technology cash fund is subject to annual appropriation by the general assembly to the judicial department for information technology infrastructure upgrades from the 2022-23 fiscal year through the 2024-25 fiscal year. The judicial department is required to expend or encumber the money transferred to the judicial department information technology cash fund prior to December 31, 2024.

APPROVED by Governor April 25, 2022

EFFECTIVE April 25, 2022

H.B. 22-1336 Drug Offender and Substance Abuse Surcharge Administration. Current law allows the clerk of the court to retain 5% of the drug offender surcharge and the rural alcohol and substance abuse surcharge for the administration of the disbursement of the surcharges. The retained 5% of both surcharges are kept on a balance sheet account and expenses are identified to offset this revenue. To simplify the process by which this 5% of surcharge revenue is retained, section 2 of the act requires that the revenue be deposited directly into the judicial stabilization cash fund instead.

Under current law, the courts' collections investigator program is funded by the fines collection cash fund and the judicial collection enhancement fund. To eliminate the inefficiency of administering 2 cash funds, section 1 eliminates the fines collection cash fund and requires all fines previously required to be deposited in that fund to instead be deposited in the judicial collection enhancement cash fund.

APPROVED by Governor April 25, 2022

EFFECTIVE April 25, 2022

H.B. 22-1337 Department of personnel - total compensation survey and report - required to conduct every four years - appropriation. Under current law, the state personnel director (director) of the department of personnel is required to annually conduct surveys and produce a report concerning compensation to determine any necessary adjustments to state employee salaries, state contributions for group benefit plans, and merit pay. The act instead requires the director to conduct surveys and produce the report every 4 years. The act also changes certain reporting deadlines of the director relating to the compensation report and removes certain substantive components of the report.

The act decreases the general fund appropriation made to the department of personnel for use by the division of human resources for total compensation and employee engagement surveys related to state agency services in the annual general appropriation act for the 2022-23 state fiscal year by \$300,000 and appropriates \$147,429 from the general fund to the department of personnel for implementation of the act.

APPROVED by Governor April 25, 2022

EFFECTIVE April 25, 2022

H.B. 22-1340 Capital-related transfers of money. On July 1, 2022, the act transfers:

- \$350,394,004 from the general fund to the affordable housing and home ownership cash fund;
- \$350,394,004 from the affordable housing and home ownership cash fund to

- the revenue loss restoration cash fund;
- \$4,639,443 from the general fund to the capital construction fund;
- \$122,225,865 from the general fund to the information technology capital account of the capital construction fund; and
- \$500,000 from the general fund exempt account of the general fund to the capital construction fund.

The state treasurer and the state controller transferred \$110,000,000 from the general fund to the controlled maintenance trust fund to be appropriated in the 2022-23 state fiscal year for controlled maintenance budget requests prioritized by the office of the state architect as level one and level two priority projects. The act eliminates the requirement that the transferred money be appropriated for the 2022-23 state fiscal year.

APPROVED by Governor April 25, 2022

EFFECTIVE April 25, 2022

H.B. 22-1341 Marijuana tax cash fund - same year spending - reserve requirement - transfer to the public school capital construction assistance fund. When the marijuana tax cash fund (fund) was initially created, money in the fund was only available to be appropriated for fiscal years following the fiscal year in which it was received by the state. In 2020, the general assembly repealed this restriction, but in 2021, the restriction was inadvertently reinstated by legislation that made an unrelated conforming amendment. The act corrects this error, which permits the general assembly to appropriate money from the fund for the same fiscal year in which it is received.

The reserve requirement for the fund is established as 15% of the amount appropriated for a fiscal year, instead of 93% of the beginning balance in the fund. This reserve excludes any money from the fund that is designated to constitute part of the state emergency reserve.

The act also delays a portion of a statutory transfer from the fund to the public school capital construction assistance fund (BEST fund). A transfer of \$100 million on June 1, 2022, is reduced to \$50 million, and the state treasurer is required to transfer \$30 million and \$20 million from the fund to the BEST fund in the 2022-23 and 2023-24 state fiscal years.

APPROVED by Governor April 25, 2022

EFFECTIVE April 25, 2022

H.B. 22-1342 State emergency reserve cash fund - federal coronavirus state fiscal recovery fund - interest and income. The act requires the state treasurer to credit any interest and income derived from the deposit and investment of federal funds that the state received from the federal coronavirus state fiscal recovery fund to the state emergency reserve cash fund, which is available for declared emergencies only as required by the taxpayer's bill of rights.

APPROVED by Governor April 25, 2022

EFFECTIVE April 25, 2022

H.B. 22-1343 Referendum C - excess state revenues - designation. In 2005, the voters approved referendum C, which authorized the state to retain state revenues up to the excess state revenues cap to be spent on specified uses (excess state revenues). The general fund exempt account (account) was created within the general fund and it includes an amount equal to the excess state revenues. There is a statutorily required allocation of the money in

the account for uses that are consistent with the uses approved by the voters in referendum C. The actual amount of the excess state revenues, however, is not known until after the last day of the fiscal year.

The act addresses the discrepancy between the amounts appropriated or transferred from the account and the actual amount of the excess state revenues. If the appropriations and transfers from the account are less than the actual excess state revenues, then some of the revenue in the general fund is also designated as excess state revenues. Appropriations from the general fund for medical and long-term care services for medicaid eligible individuals and the state share of districts' total program funding, or their successor line items, are designated as how the state uses this revenue. If the appropriations and transfers from the account are more than the actual excess state revenues, then a portion of the account, and a corresponding percentage of all appropriations and transfers from it, are designated as not being excess state revenues.

APPROVED by Governor April 25, 2022

EFFECTIVE April 25, 2022

H.B. 22-1350 Workforce development - regional talent development grants - annual reporting - grant program cash fund - American Rescue Plan Act and general fund money - repeal. The act establishes the regional talent development initiative grant program (grant program) in the office of economic development (office) to fund talent development initiatives across the state that meet regional labor market needs and specified grant program goals, including initiatives that meet workforce development needs in regions as they recover from the negative economic impacts of the COVID-19 pandemic. The office, a state agency designated by the office, or a third party with whom the office contracts is to serve as the administrator of the grant program (program administrator). The office is directed to appoint a steering committee of 5 to 8 business, civic, education, and nonprofit professionals (steering committee), including at least one member representing a rural area of the state, one member representing a 2-year institution of higher education, and one member representing a 4-year institution of higher education. The steering committee will support the program administrator in:

- Developing a grant application process;
- Establishing grant application selection and prioritization criteria; and
- Appointing a selection committee to review grant applications and make grant award recommendations.

The office, in collaboration with the departments of labor and employment, higher education, and education and the steering committee, is to identify regions throughout the state to inform the selection of grant applications.

The office is to publish a report on the grant program by November 1, 2023, and by each November 1 through November 1, 2027.

The act creates the regional talent development initiative grant program fund (grant program fund) and directs the state treasurer to transfer \$91 million from the workers, employers, and workforce centers cash fund (cash fund) to the grant program fund as follows:

- \$89,123,184 from federal money in the cash fund that the state received pursuant to the "American Rescue Plan Act of 2021"; and

- \$1,876,816 from money in the cash fund that originated from the general fund.

The money in the grant program fund is continuously appropriated to the office for the grant program and related costs. The grant program repeals on July 1, 2028.

The act also directs the state treasurer to transfer \$32,373,184 from the money in the cash fund that originated from the general fund back to the general fund.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

H.B. 22-1352 Stockpile of essential materials - declared disaster emergency - personal protective equipment - administration - distribution - standards for hospital stockpiles. The act requires the division of homeland security and emergency management in the department of public safety (division) to procure and maintain a stockpile of essential materials that is available for distribution after the governor has a declared a disaster emergency. The division, in consultation with the department of public health and environment, may distribute the essential materials to state agencies, schools, local public health agencies, hospitals, primary care providers, or other health-care providers, or to any other individual or entity that the director of the division determines is in need as a result of the disaster emergency. The division may contract with a third-party entity to administer the stockpile.

To ensure that the materials in the stockpile are rotated prior to their expiration date, the act:

- Requires state agencies to procure essential materials from the division, to the extent possible; and
- Permits the division to donate or sell essential materials as necessary to avoid having stock that is past its expiration date. Any proceeds from the sale of the essential materials are credited to the newly created emergency stockpile rotation cash fund, which is continuously appropriated to the department of public safety for use by the division for administering the stockpile.

Under current law, the state board of health has the authority to adopt rules and to establish standards to assure that hospitals; other acute care facilities; county, district, and municipal public health agencies; and trauma centers are prepared for an emergency epidemic that is declared to be a disaster emergency. The act specifies that under this authority the state board may adopt rules or establish standards for the maintenance of an adequate stockpile of personal protective equipment for infection control and to assure staff proficiency in using the personal protective equipment.

APPROVED by Governor May 18, 2022

EFFECTIVE May 18, 2022

H.B. 22-1353 Public safety communications - transfer of powers, duties, and functions from office of information technology to department of public safety - office of public safety communications. The legislative oversight in connection with any telecommunications coordination within state government is moved from the joint technology committee of the general assembly to the department of public safety's legislative oversight committee pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act".

On July 1, 2023, the powers, duties, and functions related to public safety telecommunications coordination within state government (public safety communications) are transferred from the chief information officer in the office of information technology to the department of public safety (department). The transferred powers, duties, and functions are allocated to the division of homeland security and emergency management (division) in the department. In addition, employees, property, and policies of the office of information technology related to public safety communications are transferred to the division on July 1, 2023.

The office of public safety communications (office) and the director of the office are created in the division. The public safety communications revolving fund (revolving fund) is also created. The money in the revolving fund is continuously appropriated to the office to pay the direct and indirect costs, including personal services and operating costs, associated with administering public safety communications.

The office is required to develop a method for billing users of the office's services the full cost of the services. The billing method is required to be implemented on or before July 1, 2023. Revenue generated from such billing is credited to the revolving fund. The office is authorized to seek, accept, and expend gifts, grants, donations, and bequests from private or public sources for the direct and indirect costs associated with administering public safety communications.

The existing state public safety communications network is relocated to the office. The act specifies the duties and responsibilities of the director of the office that were formerly the duties and responsibilities of the chief information officer of the office of information technology. The duties and responsibilities include:

- Formulating recommendations for a current and long-range public safety communications plan and administering the plan;
- Reviewing all existing and future state-owned public safety communications applications, planning, networks, systems, programs, equipment, and facilities and establishing priorities for those applications;
- Approving or disapproving the acquisition of public safety communications equipment by any state entity;
- Establishing and enforcing public safety communications policies, procedures, standards, and records for management of public safety communications networks and facilities for all state entities;
- Reviewing, assessing, and ensuring compliance with federal and state public safety communications regulations pertaining to the needs and functions of state entities;
- Advising the governor and general assembly on public safety communications matters;
- Administering the public safety communications trust fund;
- Adopting recommended standards for the replacement of analog-based radio equipment with digital-based radio equipment for purposes of dispatching and related functions within the department of public safety; and
- For purposes of serving the radio communications needs of state departments, adopting standards and policies and setting a recommended timetable for the replacement of existing radio public safety communications equipment with a system that satisfies the requirements of the federal communications commission public safety national plan.

The director of the office may enter into contracts, formerly entered into by the chief information officer, with specified public entities and may act as a public safety communications network provider to provide public safety radio communications between or among 2 or more counties or state agencies.

The act specifies when users of public safety radio systems, including public entities and privately owned businesses, will be charged fees for the service, including the cost of material, labor, and overhead.

The executive director of the department is required to exercise the powers, duties, and functions regarding the existing tactical and long-term interoperable communications plan to improve the ability of the public safety agencies of state government to communicate with public safety agencies of the federal government, regions, local governments, and other states. The director of the office is required to update and revise the tactical and long-term interoperable communications plan at least once every 3 years.

The act relocates the existing public safety communications trust fund, specifies the sources of money in the trust fund, specifies the purposes for which money in the trust fund must be used, and requires \$7,250,000 to be transferred from the general fund or any other fund to the trust fund during state fiscal years 2023-24 and 2024-25.

The chief information officer is required to begin the transfer of the public safety telecommunications program to the department of public safety on July 1, 2022.

APPROVED by Governor June 8, 2022

PORTIONS EFFECTIVE June 8, 2022
PORTIONS EFFECTIVE July 1, 2023

H.B. 22-1361 State auditor - oil and gas performance audit - report. The act requires:

- No later than February 1, 2025, the state auditor to select a random sample of operators (random sample) and provide the list of operators in the random sample to the oil and gas conservation commission (commission), the executive director of the department of revenue (executive director), and the division of administration in the department of public health and environment (division);
- No later than April 15, 2025, the commission, executive director, and division to submit certain reporting information for the operators in the random sample for calendar year 2023 and other information to the state auditor;
- No later than May 1, 2025, the state auditor to commence conducting or cause to be conducted a performance audit based on the information submitted by the commission, the executive director, and the division; and
- No later than March 1, 2026, the state auditor to prepare a report and recommendations based on the performance audit, which the state auditor will present to the legislative audit committee.

APPROVED by Governor June 8, 2022

EFFECTIVE July 1, 2022

H.B. 22-1367 Employment discrimination - civil rights commission jurisdiction - adding protections for individuals performing domestic service - extension of time to file charges

with commission - making remedies consistent for all protected classes - appropriation. The act amends employment discrimination laws, commonly referred to as the "Colorado Anti-discrimination Act" or "CADA", as follows:

- With regard to the jurisdiction of the Colorado civil rights commission (commission) over discrimination complaints, instead of allowing the commission 270 days to notice a hearing on the complaint and the ability to grant the parties an extension of up to an additional 180 days, allows the commission a total of 450 days to notice a hearing on the complaint or lose jurisdiction over the complaint;
- Expands the definition of "employee" to include individuals in domestic service and specifies that it is not a discriminatory or an unfair employment practice with respect to sex for a person to consider sex when hiring an employee to engage in child-care-related domestic services;
- Extends the time limit to file a charge with the commission from 6 months to 300 days after the alleged discriminatory or unfair employment practice occurred; and
- Repeals the prohibition, applicable in age discrimination cases only, against the relief and recovery of certain damages so that the remedies available in employment discrimination claims are consistent, regardless of the type of discrimination alleged.

The act appropriates \$113,548 from the general fund to the department of regulatory agencies for use by the civil rights division to implement the act, with \$98,718 allocated for personal services and \$14,830 for operating expenses.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1377 Coloradans experiencing homelessness with services, recovery care, and housing supports grant program - appropriation. The act creates the connecting Coloradans experiencing homelessness with services, recovery care, and housing supports grant program (grant program), administered by the division of housing (division) in the department of local affairs (department).

The grant program provides grants to local governments and nonprofit organizations to enable those entities to make investments and improvements in their communities or regions of the state to address and respond to the needs of people experiencing homelessness.

The act requires the division to develop policies, procedures, and guidelines governing the administration of the grant program. The act specifies how grant funding is to be awarded and the eligible uses of grant money awarded under the grant program. The act specifies requirements for grant recipients.

The act creates the connecting Coloradans experiencing homelessness with services, recovery care, and housing supports fund (fund) in the department. The act specifies requirements pertaining to the administration of the fund. The act requires a transfer of \$105 million from the economic recovery and relief cash fund to the fund to administer the grant

program. The act allows for up to \$5 million of the money appropriated to the fund to be used for data collection and outreach efforts.

The act sets forth specified reporting requirements pertaining to the grant program.

The act requires the department, in conjunction with the department of health care policy and financing, to report to the house of representatives public and behavioral health and human services committee and the senate health and human services committee, and to its committee of reference during its "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing, any results, recommendations, and federal implications concerning any supportive housing pilot program currently being administered by the department in conjunction with the department of health care policy and financing.

The act requires the division to report on the activities of the grant program as part of the regular annual public report prepared by the division on affordable and emergency housing spending.

The act appropriates \$9,218 to the office of information technology to provide information technology services for the department.

APPROVED by Governor May 31, 2022

EFFECTIVE May 31, 2022

H.B. 22-1381 Geothermal energy grant program - creation in Colorado energy office - qualifications for award - grant fund - report. The act creates the geothermal energy grant program (grant program) in the Colorado energy office (office) within the office of the governor. The grant program offers 3 types of grants:

- The single-structure geothermal grant, which is awarded to applicants that are constructing new buildings and that are installing a geothermal system as the primary heating and cooling system for the building;
- The community district heating grant, which is awarded to support ground-source, water-source, or multisource thermal systems that serve more than one building; and
- The geothermal electricity generation grant, which is awarded to support the development of geothermal electricity generation and hydrogen generation produced from geothermal energy.

The act sets qualifications, limits, and standards for awarding the grants.

A grantee is prohibited from using the money for any purpose not specified in statute or in the grant application. Using the grant money for another purpose subjects the grantee to a civil action seeking repayment.

The act creates the geothermal energy grant fund (fund). The grant money in the fund is allocated in the following percentages:

- Up to 40% of the total money in the fund may be awarded in grants for to support the development of geothermal electricity generation and resource development, which may include hydrogen generation produced from geothermal energy;
- Up to 80% of the total money in the fund may be awarded in grants for

- constructing new buildings using geothermal heating, and one-fourth of the money must be awarded to eligible entities from or projects in low-income, disproportionately impacted, or just transition communities; and
- Up to 25% of the total money in the fund may be awarded in grants to support the development of community district heating systems in new construction or to retrofit existing buildings.

The money in the fund is continuously appropriated to implement the grant program. The state treasurer will transfer \$12 million from the general fund to the fund.

The office administers the grant program and, in doing so, must develop and apply criteria for evaluating and awarding grant applications that:

- Prioritize projects in low-income, disproportionately impacted, or just transition communities; and
- Maximize the number of additional projects that would otherwise not occur without grant money.

Each grantee must submit an annual report to the office for 2 years following receipt of a grant award. By February 1, 2024, and each year thereafter through February 1, 2026, the office must submit a report to the transportation and energy committee of the senate and the energy and environment committee of the house of representatives. The report must include for the preceding calendar year:

- The total amount of grant money awarded;
- The total number of grants awarded and the amount of each grant;
- The total amount of grant money awarded to each grantee;
- The percentage of the total amount of grant money awarded for each type of grant;
- The total amount of matching funds that grantees provided to receive a grant;
- The percentage of the total amount of grant money awarded to and for projects in low-income, disproportionately impacted, or just transition communities; and
- To the extent available, the effects of the grants on gas use, electricity use, emissions, and energy costs.

APPROVED by Governor June 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1382 Dark sky locations in Colorado - designation and promotion. The International Dark-Sky Association (IDA) encourages communities, parks, and protected areas to preserve and protect dark skies by various means, including an international dark sky places program that offers designations for 5 types of dark sky places. The act requires the Colorado tourism office (office) to establish the Colorado designated dark sky designation technical assistance grant program (program) to:

- Provide technical assistance grants to applicants seeking direct support from the IDA for activities related to international dark sky designation; and
- Provide general education and outreach about dark skies and specifically

promote responsible and sustainable tourism opportunities in designated dark sky places in the state.

The office may contract with the IDA and the Colorado chapter of the IDA to help the office develop its program policies, evaluate grant applications, and make recommendations to the office regarding which applicants should receive grant awards and what the amount of each award should be. The office is also required, on its own, in consultation with the IDA and the Colorado chapter of the IDA, or by contracting with the IDA and the Colorado chapter of the IDA, to provide general education and outreach and to promote tourism. To fund the program, the act requires \$35,000 to be transferred from the general fund to the Colorado travel and tourism additional source fund, which current law continuously appropriates to the office.

On or before November 1, 2023, the office is required to submit a report detailing the expenditure of the money dedicated to the program to the house of representatives business affairs and labor committee and the senate business, labor, and technology committee, or their successor committees. The report must specify the grant-supported actions taken in furtherance of designating new dark sky places and indicate how many program grant recipients have opened and maintained an active case file with the IDA or have had a community or other place certified by the IDA as a designated dark sky place.

APPROVED by Governor May 27, 2022

EFFECTIVE May 27, 2022

H.B. 22-1385 Office of information technology - Colorado operations resource engine upgrade and continuous improvement project - financed purchase of an asset or certificate of participation agreement - reporting. The state is authorized to enter into one or more financed purchase of an asset or certificate of participation agreements for the implementation costs of the Colorado operations resource engine upgrade and continuous improvement project.

The office of information technology (office) and the department of personnel (department) are required to ensure that the Colorado operations resource engine system includes any functionality that the legislative branch deems to be of particular importance or promptly explain why such functionality cannot be incorporated. The office and the department are also required to report to the joint technology committee and the joint budget committee regarding their progress on the project in a format and at time intervals specified by the joint technology committee and the joint budget committee in writing.

APPROVED by Governor May 27, 2022

EFFECTIVE May 27, 2022

H.B. 22-1389 Financial literacy and exchange program - FLEX fund - appropriation. The act establishes the financial literacy and exchange program (program) within the division of housing (division). The program allows the division to create FLEX accounts for certain persons who sign FLEX agreements and participate in eligible housing assistance voucher programs.

The division is required to establish policies and procedures as necessary for the administration of the program and to annually report to the general assembly on the status of the program. The division is required to contract with for-profit and nonprofit entities to provide financial literacy support to eligible program participants.

The act also creates the continuously appropriated FLEX fund, which may be used for the direct and indirect costs of implementing the program, and appropriates \$103,355 to the FLEX fund from the general fund. The department of local affairs is responsible for the accounting related to this appropriation.

APPROVED by Governor June 2, 2022

EFFECTIVE January 1, 2023

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1397 Statewide equity office - creation in department of personnel. The act creates the statewide equity office (office) in the department of personnel. The office is charged with providing best practices, resources, and guidance for state agencies in offering equitable services to the residents of Colorado as well as providing an accepting and diverse environment for state employees. The act outlines the duties and responsibilities of the office.

For the 2022-23 state fiscal year, the act makes the following general fund appropriations:

- \$1,793,072 to the department of personnel for use by the executive director's office, of which:
 - \$324,064 is reappropriated to the department of human services;
 - \$194,878 is reappropriated to the department of revenue;
 - \$61,845 is reappropriated to the department of regulatory agencies; and
 - \$74,990 is reappropriated to the department of health care policy and financing, which amount is based on an assumption that the department of health care policy and financing will receive \$74,990 in federal funds for the act's implementation.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

H.B. 22-1400 State enterprises - revenue collection approval - redesignation of institutions of higher education. The act permits an institution of higher education (institution), or a group of institutions that is managed by a single governing board, that was designated as an enterprise by the institution's or facility's governing body as of January 1, 2021, and that subsequently disqualifies as an enterprise, to qualify and be redesignated as an enterprise without voter approval. The act permits an auxiliary facility, or group of auxiliary facilities with similar functions, that is managed by the governing body of an institution or by the board of directors of the Auraria higher education center that was designated as an enterprise by the institution's or facility's governing body as of January 1, 2021, and that subsequently disqualifies as an enterprise, to qualify and be redesignated as an enterprise without voter approval.

The act prohibits a state enterprise that was qualified or created after January 1, 2021, from receiving more than \$100,000,000 in revenue from fees and surcharges in its first 5 fiscal years unless approved at a statewide general election. The act repeals the requirement that an election be held based on an enterprise's projected revenue. If a state enterprise has collected \$100,000,000 in fees and surcharges in its first 5 fiscal years prior to approval, the state enterprise must stop collecting fees and surcharges.

The act clarifies that, for the purpose of applying the approval requirements, enterprises serve primarily the same purpose when they provide the same services in the same geographic area and that the first 5 fiscal years of a state enterprise for the purpose of calculating the \$100,000,000 amount are the first 5 state fiscal years since the creation or first qualification of the enterprise.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

H.B. 22-1408 Office of economic development - Colorado office of film, television, and media - performance-based incentive for film production - task force - study - appropriation. The act creates a film incentive task force to study how to make the performance-based incentive for film production in Colorado more effective. The task force is required to submit its findings to the house of representatives business affairs and labor committee and the senate business, labor, and technology committee by January 1, 2023.

The executive director of the office of economic development is authorized, in the executive director's discretion, to authorize the approval or issuance of an incentive in an amount that exceeds the current statutory limit of 20% of qualifying local expenditures for a production company that qualifies for an incentive.

On July 1, 2022, the state treasurer is required to transfer \$2 million from the general fund to the Colorado office of film, television, and media operational account cash fund.

The \$2 million that is transferred is appropriated to the office of the governor for use by the office of economic development for the Colorado office of film, television, and media.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

H.B. 22-1409 Community revitalization grant program - additional funding - limitation of eligibility for grants. To provide additional funding for the community revitalization grant program, the act requires the state treasurer to transfer \$20 million from the economic recovery and relief cash fund to the community revitalization fund on July 1, 2022. On and after the effective date of the act, for-profit entities and organizations are no longer eligible to receive grants through the program.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

H.B. 22-1411 Coronavirus state fiscal recovery fund - "American Rescue Plan Act of 2021" cash fund - administrative requirements - transfers and substitutions of federal funds. In 2021, the state received \$3,828,761,790 from the federal coronavirus state fiscal recovery fund as part of the federal "American Rescue Plan Act of 2021" (federal funds). The act modifies administrative requirements established by the United States department of the treasury (treasury) related to these federal funds, which were implemented through the "American Rescue Plan Act of 2021" cash fund, by:

- Establishing deadlines for a subrecipient, which is a person that carries out a program or project on behalf of the state but is not a program or project beneficiary, to expend or obligate this money, and if not, to return this money to the state for the state to either expend or return to treasury, depending on the timing;

- Requiring the state controller to determine whether money has been obligated;
- Requiring the state controller to transmit to the treasury any money that was obligated by December 31, 2024, but not expended by December 31, 2026;
- Requiring the department of revenue to provide the state controller with any information about any increases in the state's net tax revenue, which is necessary for calculating the state's revenue reductions for 2022 and 2023;
- Clarifying that the compliance, reporting, record-keeping, and program evaluation requirements established by the office of state planning and budgeting and the state controller apply to a person regardless of whether the person is a beneficiary or a subrecipient and regardless of whether the person receives the money directly from a department or from a subrecipient; and
- Permitting the state controller to report any expenditures to the treasury as a government service to the extent of the reduction in the state's revenue due to the COVID-19 public health emergency relative to the revenues the state collected for the state fiscal year 2018-19.

The act substitutes money from the general fund or from a cash fund that included money that originated from the general fund for allocations of the federal funds that were made in 2021, as follows:

- \$29,894,004 from the housing development grant fund;
- \$36.5 million from the highway users tax fund that was distributed to counties, cities, and incorporated towns;
- \$10 million from the Colorado startup loan program fund; and
- \$98.5 million from the affordable housing and home ownership cash fund.

The act transfers the following amounts from the economic recovery and relief cash fund:

- \$70 million of federal funds to the "American Rescue Plan Act of 2021" cash fund to be used by the executive branch for any expenditures necessary to respond to the public health emergency with respect to COVID-19;
- \$15 million of federal funds to the affordable housing and home ownership cash fund;
- \$1,437,172 of federal funds to the workers, employers, and workforce centers cash fund; and
- \$10 million that originated from the general fund to the revenue loss restoration cash fund.

House Bill 22-1409, concerning additional funding for the community revitalization grant program, required the state treasurer to transfer \$20 million from the economic recovery and relief cash fund to the community revitalization fund. The act reduces the transfer to \$19,278,042, with \$4,478,042 from money in the economic relief cash fund that originated from the general fund and the remainder from money in the affordable housing and home ownership cash fund that originated from the general fund.

House Bill 22-1379, concerning transfers from the economic recovery and relief cash fund to provide additional funding for the management of certain natural resources, appropriated \$15 million of federal funds from the Colorado water conservation board construction fund to the department of natural resources for use by the Colorado water conservation board. The act expands the allowable uses of this money.

APPROVED by Governor May 27, 2022

EFFECTIVE May 27, 2022

HEALTH AND ENVIRONMENT

S.B. 22-27 Prescription drug monitoring program - program query - uses of the program - recommendations regarding use of the program and enforcement. The act clarifies that:

- Each prescriber of prescription drugs must register and maintain a user account with the prescription drug monitoring program (program); and
- Each licensed health-care practitioner must query the program prior to filling a prescription for every opioid or benzodiazepine.

The act requires the group tasked with developing a strategic plan to reduce prescription drug misuse to evaluate and make recommendations to the executive director of the department of regulatory agencies regarding balancing the use of the program as a health-care tool with enforcement of the requirements of the program.

APPROVED by Governor May 27, 2022

EFFECTIVE May 27, 2022

S.B. 22-53 Health-care facilities - patient visitation rights - limitations - visitation policies and procedures - imposition of requirements on visitors - appropriation. Subject to the limitations in state and federal law and state or local public health orders, the act specifies that a patient or resident of a hospital, a nursing care facility, or an assisted living residence (collectively referred to as "health-care facility") may have at least one visitor of the patient's or resident's choosing during the stay or residency. A health-care facility is required to have written policies and procedures that are consistent with state and federal law regarding the visitation rights of patients and residents, including policies and procedures setting forth any necessary or reasonable restriction or limitation to ensure the health and safety of patients, staff, or visitors that the health-care facility may need to place on patient and resident visitation rights and the reasons for the restriction or limitation.

The act allows a health-care facility to impose specific requirements on visitors during a period when the risk of transmission of a communicable disease is heightened, including the requirement to wear medical masks or other protective equipment and be screened or tested for a communicable disease. A health-care facility may impose visitation restrictions for a patient or resident with a communicable disease who is isolated.

\$45,409 is appropriated from the general fund to the department of public health and environment for use by the health facilities and emergency medical services division for the nursing and acute care facility survey.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

S.B. 22-68 All-payer health claims database - creation of tool for review of health claims reimbursement data - appropriation. The act requires the administrator (administrator) of the all-payer health claims database (database) to create a tool to facilitate the review of certain health claims reimbursement data that are included in the database. The tool must include 2018 health claims reimbursement data as the first year of available data.

The act includes minimum requirements for the design of the tool, including how the information will be displayed and searchable by users of the tool.

The act requires the administrator, subject to available appropriations, to update the tool at least annually.

For the 2022-23 state fiscal year, to implement the act, the act appropriates \$155,250 from the general fund to the department of health care policy and financing for use by the executive director's office for the database.

APPROVED by Governor May 27, 2022

EFFECTIVE May 27, 2022

S.B. 22-79 Dementia training - direct-care staff - nursing care facilities, assisted living residences, and adult day care facilities - rules. The act requires the state board of health in the department of public health and environment, with regard to nursing care facilities and assisted living residences, and the medical services board in the department of health care policy and financing, with regard to adult day care facilities, to adopt rules requiring these facilities to provide dementia training for staff providing direct-care services to clients and residents of the facilities.

APPROVED by Governor May 31, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-98 Drug repository for unused prescription drugs - task force - report. The act creates the drug repository task force (task force) in the department of public health and environment (department) to examine drug repository programs for unused prescription drugs and over-the-counter medications in the country to determine the best model to implement for Colorado.

The task force consists of at least 13 and no more than 15 members, including up to 8 members appointed by the executive director of the department, 6 members appointed by the executive director of the department of regulatory agencies, and one member appointed by the department of health care policy and financing representing that department. The task force members include, in part, representatives of impacted state departments, hospitals, pharmacists and pharmacy associations, physicians, and members representing patients. The task force members must be appointed by August 1, 2022.

The executive director of the department or the executive director's designee shall convene the task force no later than September 15, 2022. In part, the task force shall consider drug depository programs in other states and which model is the safest and most efficient and effective model for Colorado; medications to be included in the program; the requirements for donating and receiving medications; legal issues; and fees and rule-making for the program. The department shall provide staff support to the task force. The task force shall report its findings and recommendations to the governor and the health committees of the general assembly by December 15, 2022. The task force is repealed on July 1, 2023.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

S.B. 22-154 Assisted living residences - involuntary discharge grievance process - requirements for residence administrators - civil fines cap increase - enforcement measures

- appropriation. With regard to the involuntary discharge of residents from an assisted living residence (residence), the act:

- Requires a residence to provide written notice to the resident and other specified persons at least 30 days prior to the involuntary discharge, unless the reason for the involuntary discharge is because the resident needs a higher level of care than can be provided in the residence or the resident poses a harm to the resident or to other residents;
- If the involuntary discharge is due to a resident's nonpayment of monthly services and room and board, the residence may discharge the resident 31 days after the resident received the notice of discharge.
- Requires the residence to include certain information and documentation with the written notice; and
- Establishes a process for a resident or other specified persons to challenge an involuntary discharge, including the ability to file a grievance with the residence, a requirement that the residence respond to the grievance, the ability to appeal to the department of public health and environment (department), and the ability to request an administrative hearing, and establishes time frames for the grievance process.

In addition, the act:

- Requires the state board of health (board) to promulgate rules establishing residence administrator standards that require all administrators, on and after January 1, 2024, to have at least one year of experience supervising the delivery of personal care services, or have equivalent experience or education, regardless of the date the administrator was hired, and establishing a fine for the residence if the residence's administrator or interim administrator fails to meet the standards. The act also authorizes the department to refuse to renew a license for a facility without a qualified administrator.
- Requires the residence owner or residence to obtain a check of the Colorado adult protective services data system for any employee providing direct care to residents;
- Requires the residence to comply with provisions concerning involuntary discharge of residents; and
- Establishes a range of fines for violations, including violations that result in harm or injury to residents. The department shall make recommendations to the state board concerning the range of fines after consulting with the statutory advisory committee relating to assisted living residences.

The act removes the \$2,000 annual cap on the amount of fines that may be imposed by the department as an intermediate restriction or condition on a residence licensee, replaces it with a fine not to exceed \$10,000 per violation, and allows the department to impose a fine in excess of the \$10,000 cap for an egregious violation that results in death or serious injury to a resident. The act also requires the department to impose a fine, in an amount determined by the department to deter further violations, for any violation resulting in actual harm or injury to a resident.

The act also allows, but does not require, the department to suspend, revoke, or refuse to renew a residence license if a resident is subject to mistreatment that causes injury to the resident, the residence's owner or administrator either directly caused the mistreatment or the mistreatment resulted from the administrator's failure to adequately train or supervise

employees, and other measures to correct the violation have not been or are not expected to be effective.

The act appropriates \$74,508 from the general fund to the department to implement the act, and of that amount, \$47,680 is reappropriated to the office of the governor for use by the office of information technology to provide information technology services for the department.

APPROVED by Governor June 2, 2022

EFFECTIVE June 2, 2022

S.B. 22-170 Waste tire administration, enforcement, market development, and cleanup fund - inspections of waste tire facilities - repeal - appropriation. The act:

- Repeals a provision allowing the department of public health and environment (department) to use money in the waste tire administration, enforcement, market development, and cleanup fund (fund) to develop a fire prevention, training, and firefighting plan, hire a consultant to assist in developing the plan, and reimburse the division of fire prevention and control in the department of public safety (division) for its assistance in developing the plan and hiring the consultant; and
- Allows the department to use money in the fund to reimburse the division for inspections of facilities where waste tires are present and for technical assistance and other assistance the division provides to the department or the public related to waste tires.

For the 2022-23 state fiscal year, \$77,780 is appropriated from the fund to the department for use by the hazardous material and waste management division, of which amount:

- \$77,780 is reappropriated to the department of public safety for use by the department of public safety in implementing the act; and
- \$9,667 is reappropriated to the department of personnel to provide vehicles to the department of public safety pursuant to the act.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

S.B. 22-179 Motor vehicle emission control systems - anti-tampering provisions - penalties - use of monetary penalties. Section 5 of the act prohibits a person, on or after January 1, 2024, from tampering with a motor vehicle's emission control system, conveying or offering to convey a motor vehicle with an emission control system that has been tampered with, or operating a motor vehicle with an emission control system that has been tampered with (anti-tampering provisions).

Section 5 also:

- On and after July 1, 2025, provides a "safe harbor" from enforcement of the anti-tampering provisions for a period up to one year for a person that self-reports noncompliance with the anti-tampering provisions;
- Authorizes the air quality control commission to adopt rules as necessary to implement the anti-tampering provisions;

- Exempts motorcycles from the anti-tampering provisions; and
- Authorizes the department of public health and environment, on or before January 1, 2025, and on or before January 1 of each year thereafter, to report to the legislative committees that hear energy matters a summary of the complaints filed, enforcement actions taken, and penalties assessed for violations of the anti-tampering provisions.

Section 1 authorizes the attorney general to bring a civil action to enforce the anti-tampering provisions, and sections 3 and 4 establish penalties for the anti-tampering provisions. Section 3 requires penalties collected to be credited to the catalytic converter identification and theft prevention grant program cash fund (fund), which fund is created in section 2 and is to be used for the catalytic converter identification and theft prevention grant program created in House Bill 22-1217, concerning measures to prevent catalytic converter theft, if that bill becomes law. Sections 2 and 3 take effect only if House Bill 22-1217 becomes law. Alternatively, if House Bill 22-1217 does not become law, section 4 takes effect and requires penalties collected to be credited to the AIR account in the highway users tax fund for the administration of the automobile inspection and readjustment program.

Section 6 makes nonsubstantive changes to the definition of "motor vehicle".

Section 7 extends the period during which a motor vehicle dealer remains liable to a consumer for a recently purchased motor vehicle's compliance with emissions standards from 3 business days after purchase to 5 business days after purchase.

Section 8 authorizes the department of revenue to deny, suspend, or revoke a motor vehicle dealer's, wholesale motor vehicle auction dealer's, wholesaler's, buyer agent's, or used motor vehicle dealer's license for selling to a retail customer a motor vehicle that is not equipped with a properly functioning emission control system.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: (1) This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

(2) House Bill 22-1217, referenced above, was signed by the governor June 7, 2022.

S.B. 22-186 Colorado rare disease advisory council - creation - powers and duties - annual report of recommendations - sunset review - appropriation. The act creates the Colorado rare disease advisory council (council) in the department of public health and environment (department) to inform state agencies, the public, and the legislature about rare diseases and make recommendations concerning the needs of Coloradans living with rare diseases and their medical providers and caregivers.

The council consists of 12 voting members and one nonvoting member representing the office of health equity in the department. The council's 12 voting members include, in part, a researcher, a geneticist, a physician, a professional nurse, a pharmacist, persons living with a rare disease, the parent of a child diagnosed with a rare disease, and representatives of the biotechnology or pharmaceutical industry and of a health insurer. Members of the council are appointed by the speaker and minority leader of the house of representatives and the president and minority leader of the senate. The appointing authorities shall make initial appointments to the council by October 1, 2022.

The act specifies the powers of the council and the activities that the council must perform. The activities include, in part:

- Convening public meetings and soliciting public comment to assist with a state survey of the needs of individuals in the state living with rare diseases;
- Consulting with experts and developing policy recommendations to improve access to rare disease specialists, clinical trials, timely treatment, and affordable and comprehensive health care;
- Educating and making recommendations to state agencies and health insurers concerning issues relating to utilization management procedures for treatment of patients with rare diseases;
- Researching and identifying best practices regarding continuity of care for patients who transition from pediatric to adult care; and
- Establishing a publicly accessible web page or website to include research, diagnosis, treatment, and other educational materials for providers and patients relating to rare diseases.

Unless the council determines that a facilitator is not needed, the council shall contract with a facilitator to provide assistance to the council in carrying out the council's activities. The facilitator's activities may include, in part, conducting meetings, organizing the work of the council, conducting research on issues addressed by the council, conducting public outreach and soliciting expert and public feedback, and publicizing council recommendations.

The council and the facilitator may seek, accept, and expend gifts, grants, and donations for the council's activities. The general assembly may appropriate money for the council.

The act includes provisions for council meetings, including the number of meetings, notice to the public, and requirements regarding open meetings and public access to council records.

The council shall submit an initial report 12 months after the council is established and then report annually to the governor and the health committees of the general assembly concerning the council's activities, funding, and recommendations addressing the needs of people living with rare diseases.

The council repeals September 1, 2032, unless extended through the sunset process.

For the 2022-23 state fiscal year, the act appropriates \$80,567 from the general fund to the department for administration and support to the council. The appropriation is based on the assumption that the department will require and additional 0.4 FTE.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-193 Air quality improvements - grant programs - industrial and manufacturing operations - electric bicycles - electric school buses - cannabis resource optimization cash fund - appropriations for free ecompasses for state employees and for aerial surveying of

pollutants. Section 1 of the act creates the industrial and manufacturing operations clean air grant program (clean air grant program) through which the Colorado energy office (office) awards grant money to private entities, local governments, tribal governments, and public-private partnerships for voluntary projects to reduce air pollutants from industrial and manufacturing operations.

Voluntary projects eligible for grant money include:

- Energy efficiency projects;
- Renewable energy projects;
- Beneficial electrification projects;
- Transportation electrification projects;
- Projects producing or utilizing clean hydrogen;
- Projects involving carbon capture at industrial facilities and direct air capture projects;
- Methane capture projects;
- Projects producing or utilizing sustainable aviation fuel; and
- Industrial process changes that reduce emissions.

Starting in 2025, the office is required to report annually on the progress of the clean air grant program, submit the report to the legislative committees with jurisdiction over energy matters, and post the reports on the office's website.

On June 30, 2022, the state treasurer shall transfer \$25 million from the general fund to the industrial and manufacturing operations clean air grant program cash fund, which fund is created in the act. The fund may also consist of money from federal sources and from gifts, grants, and donations. The money in the fund is continuously appropriated to the office for its administration of the clean air grant program. The office may use up to 9% of the money in the fund for its administrative costs in implementing the clean air grant program.

The clean air grant program is repealed on September 1, 2029.

Section 1 also creates the cannabis resource optimization cash fund, which fund the office is required to administer to provide financial incentives for energy and water use conservation and sustainability practices in cannabis operations. The state treasurer is directed to transfer \$1.5 million from the general fund to the cannabis resource optimization cash fund on July 1, 2022.

Section 2 creates the community access to electric bicycles grant program (electric bicycles grant program) through which the office awards grant money to local governments, tribal governments, and nonprofit organizations that administer or plan to administer a bike share program or an ownership program for the provision of electric bicycles in a community. Section 2 also creates the community access to electric bicycles rebate program (rebate program) through which the office provides rebates for purchases of electric bicycles and equipment used for commuting purposes to individuals in low- and moderate-income households, businesses, or nonprofit organizations (program participants) or bicycle shops that sell electric bicycles to program participants at discounted prices.

Starting in 2025, the office is required to report annually on the progress of the electric bicycles grant program and the rebate program, submit copies of the report to the legislative committees with jurisdiction over transportation matters, and post the report on the office's website.

On June 30, 2022, the state treasurer shall transfer \$12 million from the general fund to the community access to electric bicycles cash fund (fund), which fund is created in the act. The fund may also consist of money from federal sources and from gifts, grants, and donations. The money in the fund is continuously appropriated to the office for its administration of the electric bicycles grant program and the rebate program. The office may use up to 9% of the money in the fund for its administrative costs in implementing the electric bicycles grant program and the rebate program.

The electric bicycles grant program and the rebate program are repealed on September 1, 2028.

Section 3 creates the electrifying school buses grant program (school buses grant program) through which the department of public health and environment (department), with technical assistance from the office, awards grant money to school districts, including schools operated by tribal governments, and charter schools, or nonprofit partners acting on behalf of a school district or charter school, to help finance the procurement and maintenance of electric-powered school buses, the conversion of fossil-fuel-powered school buses to electric-powered school buses, charging infrastructure, and upgrades for electric charging infrastructure and the retirement of fossil-fuel-powered school buses. The department of education is authorized to provide assistance to school districts and charter schools in applying for or implementing a project funded with grant money.

Starting in 2025, and every odd-numbered year thereafter, the department is required to report on the progress of the school buses grant program, submit copies of the report to the legislative committees with jurisdiction over education, energy and environment, and transportation matters, and post copies of the report on its website.

On June 30, 2022, the state treasurer shall transfer \$65 million from the general fund to the electrifying school buses grant program cash fund (electric school buses fund), which fund is created in the act. The electrifying school buses fund may also consist of money from federal sources and from gifts, grants, and donations. The money in the electrifying school buses fund is continuously appropriated to the department for its administration of the school buses grant program. The department may use up to 8% of the money in the electrifying school buses fund for its administrative costs in implementing the electrifying school buses grant program.

The school buses grant program is repealed on September 1, 2034.

Section 4 updates the definition of "federal act" regarding the reference to the federal "Clean Air Act". Section 4 also updates the definition of "issue" with respect to an order, permit, determination, or notice issued by the division of administration in the department (division), to remove certified mail and add electronic mail as options to issue such order, permit, determination, or notice.

Section 5 clarifies that the statutory fee caps for fees collected by the air quality enterprise apply only to the annual stationary source emission fees. The statutory fee caps are \$1 million for state fiscal year 2021-22, \$3 million for state fiscal year 2022-23, \$4 million for state fiscal year 2023-24, and \$5 million on and after July 1, 2024.

Section 6 removes the requirement that the division make the forms on which a person provides details necessary for filing an air pollution emission notice available at all of the air pollution control authority offices.

Section 7 authorizes a person to seek judicial review of the division's failure to grant or deny a renewable operating permit until the division grants or denies the permit and authorizes the division to contract with third parties to perform permit application reviews, air quality monitoring reviews, or other work to support the division's air quality permit programs.

Section 8 extends the time within which the air quality control commission must grant or deny a request for a hearing from within 15 days after the request was made to within 30 days after the request was made and, if granted, requires the commission to set the hearing no later than 90 days after its first regularly scheduled meeting following receipt of the hearing request.

Existing law authorizes the commission to submit any additions or changes to the state implementation plan (SIP) to the administrator of the federal environmental protection agency (administrator) for conditional or temporary approval pending legislative council review of the additions or changes. Section 9 authorizes the commission to submit the changes or additions to the administrator as a provisional submission, pending possible introduction and enactment of a bill to modify or delete all or a portion of the commission's additions or changes to the SIP.

Section 11 appropriates from the general fund:

- \$750,000 to the department of personnel for the costs of issuing free annual eco passes to state employees; and
- \$7,000,000 to the department to finance the aerial surveying of pollutants, \$90,725 of which is reappropriated to the office of information technology in the governor's office to provide information technology services to the department.

Section 11 also appropriates \$44,365 from the electrifying school buses grant program cash fund to the department of education to provide technical assistance to school districts and charter schools applying for grant money from the school buses grant program and implementing projects awarded grant money.

APPROVED by Governor June 2, 2022

EFFECTIVE June 2, 2022

S.B. 22-199 Native pollinating insects - study - recommendations for population protection - appropriation. The act requires the executive director of the department of natural resources or the executive director's designee (executive director) to conduct a study as soon as practicable regarding the challenges for native pollinating insect populations, their associated ecosystems, and their health and resilience in the state. Based on the results of the study, the executive director is required to make recommendations:

- For the protection of native pollinating insects; and
- On how to develop education and outreach programming.

On or before January 1, 2024, the executive director shall submit to the general assembly and the governor a report summarizing the study and the executive director's recommendations based on the study.

The act appropriates \$179,642 for state fiscal year 2022-23 from the general fund to

the department of natural resources for implementation of the study.

APPROVED by Governor May 27, 2022

EFFECTIVE May 27, 2022

S.B. 22-205 Intoxicating hemp products - department of public health and environment - regulation - task force - appropriation. The act authorizes the department of public health and environment to prohibit the chemical modification, conversion, or synthetic derivation of intoxicating tetrahydrocannabinol isomers that originate from industrial hemp or may be synthetically derived.

The act also creates a task force to study intoxicating hemp products and make legislative and rule recommendations. The task force will submit a report to the general assembly by January 1, 2023. The task force consists of 20 members including representatives of state government, experts in marijuana and industrial hemp regulation, persons licensed in the marijuana and medical marijuana fields, persons working with industrial hemp, testing laboratories, and a representative of a county or district public health agency.

For the 2022-23 state fiscal year, the act appropriates \$587,347 from the marijuana tax cash fund to the department of law, \$4,630 of which is reappropriated to the department of personnel.

APPROVED by Governor May 31, 2022

EFFECTIVE May 31, 2022

S.B. 22-225 Emergency medical services - state licensing of ambulance services - county authorization to operate ambulance service - task force created - appropriation. Under current law, ambulance services are regulated at the local level. On and after July 1, 2024, the act requires an ambulance service to obtain a state license from the department of public health and environment (department). In licensing ambulance services, the department is authorized to conduct inspections, investigate and hold hearings regarding alleged violations, and, for any violations found, take action against an ambulance service's license or application for an initial or renewed license, impose civil penalties in an amount of up to \$500 per violation or up to \$500 per day for a continuing violation, or both.

On or before January 1, 2024, the state board of health (board) is required to adopt rules regarding minimum standards for ambulance services, including equipment, staffing, medical oversight, and general and vehicle liability insurance standards and, if the board deems it necessary, rules imposing application and licensing fees.

On and after July 1, 2024, a county or city and county is authorized to grant an ambulance service authorization to operate within the county's or city and county's jurisdiction and to enter into service agreements, memoranda of understanding, and other contracts with ambulance services operating in the county's or city and county's jurisdiction.

The act also creates a statewide task force to make statutory, rule, and policy recommendations for how to preserve, promote, and expand consumer access to emergency medical services in the state, including recommendations:

- Regarding the regulation of ambulance service;
- To address inequities and disparities in access to emergency medical services;

- To address workforce recruiting and retention issues;
- To promote the financial sustainability of emergency medical services; and
- Regarding the long-term sustainability of emergency medical services.

For state fiscal year 2022-23, the act appropriates from the general fund:

- \$254,622 to the department for use by the health facilities and emergency management services division for administration and operations; and
- \$1,882 to the legislative department for use by the legislative council.

APPROVED by Governor June 1, 2022

PORTIONS EFFECTIVE June 1, 2022
PORTIONS EFFECTIVE July 1, 2024

H.B. 22-1157 Office of health equity - health equity commission - public health program data collection - voluntary information relating to race, ethnicity, disability, sexual orientation, and gender identity - data advisory working group - supplemental reporting on health disparities and inequities - gender on birth certificate - report of birth - rules - appropriation. The act requires the department of public health and environment (department), as part of its duty to disseminate public health information, to:

- Collect public health information from data sources and data provided to the department, including information concerning race, ethnicity, disability, sexual orientation, and gender identity, to the extent permissible under applicable federal and state data privacy laws, rules, and regulations and federal contracts; and
- Provide direction and technical assistance relating to public health information.

The act clarifies that no person is required to provide demographic information concerning race, ethnicity, disability, sexual orientation, or gender identity.

The act requires the state board of health to promulgate rules, which rules apply to all state and county, district, and municipal public health agencies, public health directors, and other persons required to collect and report data, concerning the requirements for collecting data, and the manner and time frame for reporting and disaggregating data in compliance with applicable federal and state privacy laws, rules, and regulations and federal contracts to protect sensitive medical information and personally identifying information.

For required health equity commission (commission) reports that do not include complete demographic information, the act requires state agencies that are represented on the commission to publish a supplemental report to address the social determinants of health and the strategies used to address health disparities and inequities based on race, ethnicity, disability, sexual orientation, and gender identity.

To assist with the department's assessment of health disparities and inequities, the act requires the commission to convene a data advisory working group (working group) to advise the commission concerning collecting and aggregating nonidentifying demographic data and information from Colorado residents about race, ethnicity, disability, sexual orientation, and gender identity as part of public health programs and from information acquired by or submitted to the department. The act includes the selection of members for the working group.

The act removes the requirement that a birth certificate include the person's gender as male or female at birth, but requires a report of birth filed with the state registrar to be completed in compliance with federal law.

For the 2022-23 state fiscal year, the act appropriates \$360,000 from the general fund to the department to implement the act, including:

- \$40,000 for use by administration and support for operating expenses related to health statistics and vital records; and
- \$320,000 for use by disease control and public health response for immunization operating expenses related to general disease control and surveillance.

APPROVED by Governor June 2, 2022

EFFECTIVE June 2, 2022

H.B. 22-1159 Environmental control - waste diversion and recycling - circular economy development center created - reports - funding sources - repeal subject to sunset review. The act creates the circular economy development center (center) in the department of public health and environment (department). The purpose of the center is to grow existing markets; create new markets; and provide necessary infrastructure, systems, logistics, and marketing to create a sustainable circular economy for recycled commodities and compost in Colorado. On or before July 1, 2023, subject to available appropriations, the department must contract with a third-party administrator to operate the center.

The center must conduct a statewide, end-market gap analysis and opportunity assessment and submit a final report of the analysis and assessment to the department by August 1, 2024. Beginning September 1, 2023, and on or before each September 1 thereafter, the center must also submit a report to the department describing the progress of the center. The department must include the report in its annual presentation to the general assembly pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act".

The center is repealed, effective September 1, 2030. Before the repeal, the activities of the center are scheduled for a sunset review by the department of regulatory agencies.

The act requires the front range waste diversion enterprise (enterprise), in coordination with the department, to pay for direct and indirect costs associated with the operation of the center through the front range waste diversion cash fund (fund). The act also makes changes to the front range waste diversion enterprise grant program as follows:

- Current law imposes limitations for grant applications that are received from a waste hauler or a landfill owner or operator. Specifically, as to the portions of such an application that relate to infrastructure or equipment, only 50% of infrastructure or equipment can be funded through the grant program and, if the board of directors of the enterprise (board) awards a grant to a waste hauler or landfill owner or operator for infrastructure or equipment, the grantee is ineligible to receive a grant for the following 5 years. The act removes these limitations.
- Current law prohibits the board from allocating more than 20% of the annual fund revenue in any single grant award. The act raises this maximum to 50%.

The act also requires the department to use money appropriated from the recycling resources economic opportunity fund to pay for up to 40% of the direct and indirect costs associated with the operation of the center.

Under current law, the solid waste user fee is repealed, effective July 1, 2026. The act eliminates this repeal date and extends, from September 1, 2029, to September 1, 2030, the repeal date of a specific user fee that is associated with the solid waste user fee.

APPROVED by Governor June 3, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1232 Regulation of asbestos - continuation under sunset law - rules - asbestos inspections - areas of public access - definitions - certification. The act implements the recommendations of the department of regulatory agencies, as contained in the department's sunset review of the regulation of persons in connection with the control of asbestos, as follows:

- Continues the regulation for 5 years, until September 1, 2027;
- Removes limits on the ability of the air quality control commission to promulgate rules more stringent than the standards set forth in the federal "Occupational Safety and Health Act" (OSHA) and federal regulations promulgated pursuant to OSHA; and
- Requires a local government to add language regarding asbestos inspections on each application to renovate or demolish property.

The act also:

- Expands the definition of "area of public access" to include any building, facility, or property that a member of the general public can enter or be exposed to asbestos;
- Amends the definition of "asbestos abatement" to include conducting a major spill response to prevent the escape of asbestos fibers into the atmosphere;
- Adds a definition of "facility"; and
- Expands the types of facilities for which a person must be certified before conducting asbestos inspections or asbestos abatement actions from schools or public or commercial buildings to any building, facility, or property.

APPROVED by Governor June 3, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1244 Toxic air contaminants - annual toxic emissions reporting program - monitoring program - identification of priority toxic air contaminants - health-based standards - emission control regulations - air toxics permitting program assessment - rules - appropriation. The act creates a new program to regulate a subset of air pollutants, referred to as "toxic air contaminants", which are defined as hazardous air pollutants, covered air toxics, and all other air pollutants that the air quality control commission (commission)

designates as a toxic air contaminant. In implementing the program, the commission has the authority to adopt rules that are more stringent than the corresponding requirements of the federal "Clean Air Act".

The division of administration (division) in the department of public health and environment (department) will publish an initial list of toxic air contaminants by October 1, 2022. Beginning no later than September 30, 2030, and at least every 5 years thereafter, the commission will review the list of existing toxic air contaminants and determine whether to designate any additional air pollutants as toxic air contaminants.

On or before June 30 of each year, beginning on June 30, 2024, owners and operators of certain sources of pollution will submit to the division, and the division will make available to the public, an annual toxic emissions report that reports the levels of toxic air contaminants that were emitted by the source in the preceding calendar year, beginning with January 1, 2023, to December 31, 2023. The division will also conduct a study and prepare a report for the commission on the types of information reported to the division regarding toxic air contaminants, and, no later than April 30, 2025, the commission may require additional types of information to be included in annual toxic emissions reports submitted for calendar year 2025 and each calendar year thereafter.

Beginning no later than January 1, 2024, the division will develop a monitoring program to determine the concentration of toxic air contaminants in the ambient air of the state. The monitoring program will establish at least 6 long-term monitoring sites covering urban and rural areas of the state. No later than July 1, 2025, and by July 1 of each year thereafter, the division will provide public notice of and an opportunity to comment on the monitoring program.

On or before October 1, 2025, and by each October 1 thereafter, the division will prepare a report summarizing the findings of the monitoring program, post the report on its website, and submit the report to the general assembly. The division will also report on the need for any additional monitoring sites during the hearings held pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" prior to the 2027 legislative session.

No later than April 30, 2025, the commission will identify by rule up to 5 toxic air contaminants that may pose a risk of harm to public health (priority toxic air contaminants). No later than April 30, 2026, the commission will propose health-based standards for priority toxic air contaminants for approval by the general assembly.

On or before September 30, 2029, and at least once every 5 years thereafter, the commission will:

- Determine whether to identify any additional priority toxic air contaminants;
- Determine whether to propose revisions to the general assembly to any existing health-based standards; and
- No more than 12 months after identifying any additional priority toxic air contaminants, propose to the general assembly health-based standards for any additional priority toxic air contaminants.

No later than April 30, 2026, the commission will adopt emission control regulations to reduce emissions of each priority toxic air contaminant. For new emission sources of priority toxic air contaminants, the commission will adopt more stringent emission control

regulations than those adopted for existing emission sources of priority toxic air contaminants.

No later than September 30, 2030, and at least once every 5 years thereafter, the commission will:

- Adopt emission control regulations for any additional priority toxic air contaminants identified by the commission; and
- Determine whether to revise existing emission control regulations.

No later than December 31, 2025, the division will conduct an assessment to determine the needs of the division to administer an air permitting program to regulate new, modified, and existing stationary sources that emit priority toxic air contaminants. The division will provide public notice and hold at least 2 public meetings at which members of the public have an opportunity to comment on the assessment. The division will report on the assessment during the hearings held pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" prior to the 2026 legislative session.

For the 2022-2023 state fiscal year, \$3,135,853 is appropriated from the general fund to the department to implement the act, of which:

- \$73,928 is reappropriated to the department of law to provide legal services to the department; and
- \$597,228 is reappropriated to the office of the governor for use by the office of information technology to provide information technology services to the department.

APPROVED by Governor June 2, 2022

EFFECTIVE June 2, 2022

H.B. 22-1251 Office of sudden cardiac arrest management - created - public access defibrillators - sudden cardiac arrest data - coordinator - outreach campaign - automated external defibrillator registry - appropriation. The act creates the office of cardiac arrest management (office) in the department of public health and environment, the purpose of which is to promote the use of public access defibrillators and the use of registries so the public know where defibrillators can be found and used.

The office is required to:

- Coordinate the collection of sudden cardiac arrest data, including outcome data from hospitals;
- Implement an outreach campaign to raise public awareness regarding sudden cardiac arrest;
- Maintain a list of training and education programs offered in this state to teach life-saving skills;
- Employ a statewide cardiac arrest data coordinator and other personnel as necessary; and
- Coordinate the submission of data to an automated external defibrillator registry.

\$200,000 is appropriated from the general fund to the department of public health and

environment for use in the 2022-23 state fiscal year by the health facilities and emergency medical services division to implement the act.

APPROVED by Governor June 1, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1285 Hospital price transparency requirements - noncompliance by hospital - limits in debt collection - civil actions - remedies. The act prohibits a hospital or other person or entity collecting on behalf of the hospital from initiating or pursuing collection actions against a patient or patient guarantor for debt incurred by the patient on the date or dates of service when the hospital was not in material compliance with federal hospital price transparency laws.

Nothing in the act:

- Prohibits a hospital from billing a patient or health insurer for items or services provided to the patient; or
- Requires a hospital to refund a payment made to the hospital for items or services provided to a patient.

If a patient believes that a hospital was not in material compliance with price transparency laws, the patient or patient guarantor may file a lawsuit. If a judge or jury finds the hospital out of material compliance with federal hospital price transparency laws, the hospital is subject to a penalty equal to the amount of the debt, must refund any amount paid on the debt, dismiss any court action initiated by the hospital, and pay attorney fees and costs the patient or patient guarantor incurred relating to the action.

Critical access hospitals have until February 15, 2023, to comply with federal hospital price transparency laws before the provisions of the act apply.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1292 State dental loan repayment fund - renamed - use of fund - dental loan repayment and oral health programs - report. The act authorizes money from the tobacco master settlement agreement allocated to the state dental loan repayment program to also be used for oral health programs administered by the department of public health and environment (department). The act renames the "state dental loan repayment fund" as the "state dental loan repayment and oral health programs fund" (fund) and modernizes language relating to the fund.

The act requires the department to report annually for 6 years to the joint budget committee concerning the amount of money allocated to the state dental loan repayment program and the number of qualified professionals applying for and receiving loan repayment. The report must also include information concerning the proportion and use of

money from the fund for oral health programs.

APPROVED by Governor May 18, 2022

EFFECTIVE May 18, 2022

H.B. 22-1309 Health-care professionals - authority of hospital employees to dispense drugs to sexual assault victims. The act allows a hospital employee or agent to dispense a 7-day to 28-day supply of drugs for prophylaxis of sexually transmitted infections to an emergency room patient who is a victim of sexual assault.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

H.B. 22-1322 Water quality control commission - state engagement of disproportionately impacted communities - designation of use-protected waters - creation of statute of limitations. The act:

- Requires the water quality control commission (commission) to conduct outreach and gather input from disproportionately impacted communities regarding the commission's rule-making proceedings, licensing proceedings, and adjudicatory hearings (section 1 of the act);
- Requires the commission to utilize the criteria promulgated by rule by the commission in designating waters as use-protected (section 2); and
- Creates a 5-year statute of limitations for bringing actions alleging violations of the "Colorado Water Quality Control Act" (water quality control act) or any rules or orders under the water quality control act (section 3).

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

H.B. 22-1345 Regulation of products containing intentionally added perfluoroalkyl and polyfluoroalkyl chemicals - restrictions on the sale or distribution of certain consumer products - product labeling requirements for cookware - restrictions on the use of class B firefighting foam - reporting of the release or use of class B firefighting foam - authorization of the attorney general to enforce laws related to class B firefighting foam. The act enacts the "Perfluoroalkyl and Polyfluoroalkyl Chemicals Consumer Protection Act" to establish a regulatory scheme that prohibits the sale or distribution of certain products that contain intentionally added perfluoroalkyl and polyfluoroalkyl chemicals (PFAS chemicals).

On and after January 1, 2024, a person shall not sell or distribute in the state any products in the following product categories if the products contain intentionally added PFAS chemicals:

- Carpets or rugs;
- Fabric treatments;
- Food packaging;
- Juvenile products; and
- Oil and gas products.

On and after January 1, 2024, a manufacturer of cookware sold in the state that contains intentionally added PFAS chemicals in the handle of the product or in any product surface that comes into contact with food, foodstuffs, or beverages is required to:

- List the presence of PFAS chemicals on the product label of the cookware; and
- Include a statement on the product label of the cookware that directs the consumer to a website with information about why PFAS chemicals were intentionally added to the product.

On and after January 1, 2024, a manufacturer of cookware is prohibited from making a statement that the cookware is free of PFAS chemicals unless no individual PFAS chemical is intentionally added to the cookware.

On and after January 1, 2025, a person shall not sell or distribute in the state any products in the following product categories if the products contain intentionally added PFAS chemicals:

- Cosmetics;
- Indoor textile furnishings; and
- Indoor upholstered furniture.

On and after January 1, 2027, a person shall not sell or distribute in the state any products in the following product categories if the products contain intentionally added PFAS chemicals:

- Outdoor textile furnishings; and
- Outdoor upholstered furniture.

The act includes products that do not contain intentionally added PFAS chemicals in the definition of "environmentally preferable products" for the purposes of state agency procurement.

The act also:

- Requires a person that uses class B firefighting foam that contains intentionally added PFAS chemicals (firefighting foam) to prohibit a release of the firefighting foam into the environment, fully contain the firefighting foam during its use, safely store the firefighting foam, and report certain information to the water quality spills hotline within 24 hours if there is a release of the firefighting foam into the environment;
- Requires a person that uses firefighting foam to report its use to the water quality spills hotline within 24 hours after the use;
- Authorizes the attorney general to enforce laws regulating firefighting foams that contain PFAS chemicals; and
- Extends to January 1, 2024, the effective date of an existing restriction on the use of firefighting foam that contains intentionally added PFAS chemicals at certain airports.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

H.B. 22-1355 Producer responsibility program for statewide recycling - advisory board - needs assessment - plan proposal - producer responsibility dues - convenience standards - reimbursement of recycling service providers - minimum recyclable list - education and outreach program - annual audit - creation of fund - report - individual plan proposal -

administrative penalty - appropriation. On or before June 1, 2023, the executive director (executive director) of the Colorado department of public health and environment (department) must designate a nonprofit organization (organization) to implement and manage a statewide program (program) that provides recycling services to covered entities in the state, which are defined as residences, public places, small businesses, schools, hospitality locations, and state and local government buildings. The program is funded by annual dues (producer responsibility dues) paid by producers of products that use covered materials (producers). Covered materials are defined as packaging materials and paper products.

The act creates the producer responsibility program for statewide recycling advisory board (advisory board), which consists of members who have expertise in recycling programs and are knowledgeable about recycling services in the different geographic regions of the state.

Prior to the implementation of the program, the organization must:

- On or before September 1, 2023, hire an independent third party to conduct an assessment of the recycling services currently provided in the state and the recycling needs in the state that are not being met (needs assessment);
- On or before January 30, 2024, report the results of the needs assessment to the advisory board and the executive director;
- On or before March 15, 2024, submit and present the needs assessment to the joint budget committee; and
- On or before February 1, 2025, after soliciting input from the advisory board and other key stakeholders, submit a plan proposal for the program (plan proposal) to the advisory board and executive director.

The plan proposal will initially cover recycling services only for residential covered entities. The plan proposal must:

- Describe how the organization will meet certain convenience standards and statewide recycling, collection, and postconsumer-recycled-content rates (rates);
- Establish a funding mechanism through the collection of producer responsibility dues that covers the organization's costs in implementing the program and the costs of the department in overseeing the program;
- Establish an objective formula to reimburse 100% of the net recycling services costs of public and private recycling service providers (providers) performing services under the program;
- Provide a list of covered materials (minimum recyclable list) that providers performing services under the program must collect to be eligible for reimbursement under the program;
- Set minimum rate targets that the state will strive to meet by January 1, 2030, and January 1, 2035, and describe how the state can meet increased rates after 2035; and
- Describe a process and timeline, beginning no later than 2028, to expand recycling services to applicable nonresidential covered entities.

As part of the program, the organization must:

- Utilize and expand on providers' existing recycling services to provide

- statewide recycling services at no charge to covered entities for all covered materials on the minimum recyclable list;
- Develop and implement a statewide education and outreach program on the recycling and reuse of covered materials;
- Contract with an independent third party to conduct an annual audit of the program; and
- Submit an annual report to the advisory board describing the progress of the program (annual report).

On January 1, 2025, and each January 1 thereafter, as an alternative to participating in the program, a producer may submit an individual plan proposal to the advisory board. The advisory board will review and make recommendations on, and the executive director shall approve or reject, the individual plan proposal.

The act establishes the producer responsibility program for statewide recycling administration fund (fund). On or before June 30, 2026, and on each June 30 thereafter, the department will notify the organization of its costs in overseeing and enforcing the program, and the organization will transmit a portion of the producer responsibility dues to the fund for the purposes of reimbursing the department for its costs.

Effective July 1, 2025, a producer may not sell or distribute any products that use covered materials in the state unless the producer is participating in the program or, after January 1, 2029, as set forth in the final plan or another plan approved by the executive director.

The advisory board has the following duties:

- Advise the organization on the needs assessment;
- Review the needs assessment;
- Review the plan proposal and make recommendations to the executive director regarding its approval or rejection;
- Consult with the organization on any amendments to the plan proposal and then make recommendations to the executive director regarding approval or rejection of the amendments;
- Review the annual report submitted by the organization; and
- Consult with the organization on the development and updating of the minimum recyclable list.

The act establishes an administrative penalty for the organization's or a producer's violation of the relevant statutes and rules. The collected penalties are deposited into the recycling resources economic opportunity fund.

For the 2022-23 fiscal year, \$119,130 is appropriated from the general fund to the department to implement the act, of which \$20,503 is reappropriated to the department of law to provide legal services for the department.

APPROVED by Governor June 3, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1358 Environmental control - water quality control - testing of drinking water in schools, child care centers, and family child care homes - cash fund created - reimbursement for costs - reports - repeal - appropriations. The act requires each child care center, each family child care home, and each public school that serves any of grades preschool through fifth grade, on or before May 31, 2023, to test its drinking water sources by having a state-certified laboratory measure the lead content of water drawn from each drinking water source. Subject to available appropriations, each public school that serves students in sixth, seventh, or eighth grade shall satisfy this requirement on or before November 30, 2024.

Within 30 days after receiving the results of a test, a child care center, family child care home, or public school that serves any of grades preschool through eighth grade (P-8 school) must make the results, as well as any associated lead remediation plans, publicly available on the child care center's, family child care home's, or P-8 school's website, if applicable, and report the results to the water quality control commission (commission). The commission shall post the results on its public website within 30 days after receiving them. If the results of a test of a drinking water source show that water from the drinking water source contains lead in an amount of 5 parts per billion or more, a child care center, family child care home, or P-8 school must notify all employees and parents and guardians of students, discontinue use of the drinking water source, and take specific measures to address and remediate the drinking water source.

The act requires each child care center, family child care home, and P-8 school to create and maintain, for at least 5 years, records of its filter replacement activities, including when a filter is removed and when a new filter is installed, and any remediation efforts, including faucet replacements.

The act requires the department of public health and environment (department) to provide training to each child care center, family child care home, and P-8 school regarding water filter maintenance, flushing protocols, testing for lead, reporting processes for sampling reports, and other activities relevant to compliance with the act's new requirements.

The act allows a family child care home established before March 31, 2023, to opt out of the duty to comply with the act's requirements so long as the authorized representative of the family child care home provides written notice of such decision to the department on or before March 31, 2023. A family child care home established on or after March 31, 2023, may opt out of the duty to comply so long as the authorized representative provides written notice of such decision to the department within 6 months after the date upon which the family child care home is established.

A child care center or P-8 school is not required to satisfy the act's requirements if the child care center or P-8 school is classified as a public water system under the "Lead and Copper Rule" of the federal environmental protection agency and the child care center or P-8 school is in compliance with the requirements of the federal rule. However, the child care center or P-8 school is required to report annually to the commission the results of the testing of the center or P-8 school's drinking water sources pursuant to the federal rule.

The act creates the school and child care clean drinking water fund (fund) in the department and requires the department to expend money from the fund only to:

- Help child care centers, family child care homes, and P-8 schools comply with the act's requirements; and
- Reimburse child care centers, family child care homes, and P-8 schools as

needed for costs associated with complying with the act's requirements.

The act prohibits the department from reimbursing a child care center, family child care home, or P-8 school for such costs if the child care center, family child care home, or P-8 school has already received reimbursement money from the fund and:

- None of the results of the required testing showed the presence of lead in an amount of at least 5 parts per billion; or
- If the results of such testing showed the presence of lead in an amount of at least 5 parts per billion, the child care center, family child care home, or P-8 school has also received reimbursement for any associated remediation efforts and a confirmation test of each drinking water source.

The act requires the commission, on or before December 1, 2023, and on or before each December 1 thereafter, to submit a report concerning the act's requirements to legislative committees of reference. The act also requires the department, on or before February 28, 2024, to report to the legislative committees of reference:

- The remaining balance in the fund as of the date of the report; and
- The department's determination as to whether the money remaining in the fund is sufficient to require public schools that serve any of grades 6 through 8 to comply with the requirements of the act.

The act's requirements are repealed, effective June 30, 2026.

For the 2022-23 state fiscal year, the act appropriates \$2,648,019 from the general fund to the department to be used as follows:

- \$673,286 for use by the drinking water program for personal services;
- \$1,469,235 for use by the drinking water program for operating expenses; and
- \$505,498 for the purchase of information technology services, which amount is reappropriated to the office of the governor for use by the office of information technology to provide information technology services for the department.

For the 2022-23 state fiscal year, the act appropriates \$21,000,000 from the general fund to the fund, which money is reappropriated to the department to pay operating expenses.

APPROVED by Governor June 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1372 Air quality - military facilities or facilities under the control of the United States department of defense - emergency stationary engines - federal approval for inclusion in state implementation plan. The act authorizes the use of an emergency stationary engine if:

- The emergency stationary engine is providing electric power to or mechanical work for military facilities or facilities under the control of the United States

- department of defense;
- The emergency stationary engine is in compliance with federal regulations governing emergency stationary engines;
- The emergency stationary engine's air pollution control and monitoring equipment is installed, operated, and maintained in compliance with the manufacturer's standards; and
- The emergency stationary engine is undergoing routine maintenance or testing or providing primary electrical power or mechanical work during an emergency situation under federal regulations.

A person that operates an emergency stationary engine as authorized by the act is required to:

- Minimize the use of emergency stationary engines as much as practicable, consistent with the health, safety, and welfare of the people of Colorado;
- Report each emergency event that causes the engine to be operated within the later of 48 hours after or noon on the business day following the emergency event;
- Record information about each emergency event; and
- Submit compliance reports detailing the operation of the engine, the reason for the operation, deviations, and corrective actions.

The governor will submit the act for inclusion in Colorado's state implementation plan. The act will take effect only if the act's inclusion in the state implementation plan is approved by the administrator of the United States environmental protection agency.

APPROVED by Governor June 2, 2022

EFFECTIVE June 2, 2022

HEALTH CARE POLICY AND FINANCING

S.B. 22-52 Medicaid - Children's basic health plan - income eligibility requirements. The act aligns the medicaid and children's basic health plan income eligibility requirements for pregnant women and children with federal law.

Current law requires money in the healthcare affordability and sustainability fee cash fund (fund) to be used to expand eligibility for medicaid by increasing the income eligibility level for children and pregnant women under the children's basic health plan to up to 250% of the federal poverty line. The act increases the eligibility level to up to 260%. Under current law, if the money in the fund is insufficient to fully fund all the purposes of the fund, the medical services board (state board) may reduce the percentage of the federal poverty level. The act authorizes the state board to reduce the percentage of the federal poverty level to below 260%, but not below 250%.

The act increases the medicaid income eligibility level for pregnant women from 185% of the federal poverty level to 195% of the federal poverty level, adjusted for family size.

The act increases the income eligibility level under the children's basic health plan for children and pregnant women from 250% of the federal poverty level to 260% of the federal poverty level.

APPROVED by Governor March 24, 2022

EFFECTIVE March 24, 2022

S.B. 22-156 Limitations on prepaid inpatient health plans - removing prior authorization for outpatient psychotherapy - retroactively recovering provider payments - medicaid. The act prohibits a prepaid inpatient health plan from:

- Requiring prior authorization for outpatient psychotherapy services;
- Retroactively recovering provider payments if a recipient was initially determined to be eligible for medical benefits or the prepaid inpatient health plan makes an error processing the claim but the claim is otherwise accurately submitted by the provider; and
- Retroactively recovering provider payments after 12 months from the date a claim was paid, except in certain circumstances.

If a prepaid inpatient health plan retroactively recovers a provider payment that is equal to or greater than \$1,000, the act requires the prepaid inpatient health plan to work with the provider to develop a payment plan if the provider requests a payment plan.

APPROVED by Governor May 6, 2022

EFFECTIVE January 1, 2023

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-200 Grant program - rural providers - health-care access and affordability - rules and guidelines - advisory committee - cash fund - reporting - repeal. The act establishes the rural provider access and affordability stimulus grant program (grant program) in the Colorado department of health care policy and financing (state department). As part of the

grant program, the state department may award grants for projects that modernize the affordability solutions and the information technology of health-care providers in rural communities (rural providers) and projects that expand access to health care in rural communities. The types of rural providers eligible for grants under the grant program are rural hospitals that have a lower net patient revenue or fund balance than other rural hospitals in the state, as determined by the medical services board (state board) by rule.

On or before December 31, 2022:

- The state department must adopt guidelines for the grant program (guidelines); and
- The state board must adopt rules as necessary for the administration of the grant program (rules).

The act creates the rural provider access and affordability advisory committee (advisory committee) in the state department. The advisory committee is required to advise the state department on the administration of the grant program, the adoption of the guidelines, and the selection of grant recipients. The advisory committee is also required to advise on the rules.

The act also creates the rural provider access and affordability fund (fund) in the state treasury. The act requires the state treasurer to transfer \$10,000,000 from the economic recovery and relief cash fund to the fund for awarding grants under the grant program and the administration of the grant program.

The state department is directed to include a report on the progress of the grant program during its presentation to joint legislative committees pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act".

The grant program is repealed on July 1, 2025.

APPROVED by Governor June 1, 2022

EFFECTIVE June 1, 2022

S.B. 22-203 Program of all-inclusive care for the elderly - regulatory oversight. No later than June 30, 2023, the act requires the department of health care policy and financing (state department), in conjunction with the department of public health and environment, to develop a regulatory plan to establish formal oversight requirements for the program of all-inclusive care for the elderly (PACE).

No later than March 1, 2024, the act requires the state department to establish, administer, and enforce minimum regulatory standards and rules for the PACE program.

The act requires the state department to continually analyze the reimbursement methodology for PACE entities and provide an update to specified committees of the general assembly of any methodology requirements that incorporate encounter data and any associated costs to the state department in overseeing PACE entities.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-236 Review of medicaid provider rates - quarterly public meeting - reducing membership of advisory committee - report. Current law requires the department of health care policy and financing (state department) to establish a schedule for a review of provider rates paid under medicaid so that each provider rate is reviewed at least every 5 years and to provide the schedule to the joint budget committee (JBC). Beginning July 1, 2023, the act requires the state department to establish a schedule so that each provider rate is reviewed at least every 3 years and to provide the schedule to the medicaid provider rate review advisory committee (advisory committee) in addition to the JBC.

Current law authorizes the advisory committee or the JBC, by a majority vote, to direct the state department to conduct a review of a provider rate that is not scheduled for review during that year. Effective July 1, 2023, if the state department determines the request for an out-of-cycle review cannot be conducted, the act requires the state department to provide written notification to the advisory committee and the JBC within 30 days after the request is made stating the reasons the out-of-cycle request cannot be conducted.

Effective July 1, 2023, the act requires the state department to conduct a public meeting at least quarterly to inform the state department's review of provider rates.

Current law requires the advisory committee consist of 24 members. Effective December 1, 2022, the act decreases the advisory committee to 7 members and requires the members to have proven expertise related to medicaid in one or more specific areas. The advisory committee is currently scheduled to sunset September 1, 2025. The act moves the sunset to September 1, 2036.

On or before December 1, 2023, and each December 1 thereafter, the act requires the advisory committee to present to the JBC an overview of the provider rate review process, a summary of the provider rates that were reviewed, and the strategies for responding to the findings of the provider rate review.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

H.B. 22-1068 Therapy using equine movement - medicaid reimbursement. Subject to federal authorization and federal financial participation, on or after July 1, 2024, medicaid reimbursement is available for therapy using equine movement when provided by a physical therapist, an occupational therapist, or a speech-language pathologist.

APPROVED by Governor June 2, 2022

EFFECTIVE June 2, 2022

H.B. 22-1114 Transportation network companies - nonmedical transportation for medicaid waiver recipients - report - appropriation. No later than January 2024, the act requires the department of health care policy and financing (state department) to submit a report to specified committees of the general assembly identifying:

- A reimbursement system with a goal to incentivize and increase transportation provider participation;
- How the state department will ensure compliance with applicable federal laws and waiver requirements;
- A system of common reporting to ensure a recipient does not exceed the

- medicaid benefit in a multi-provider scenario; and
- Best practices based on what other states have done to allow transportation network companies (TNC) to provide nonmedical transportation services for individuals receiving services.

Upon completion of the report, the act requires the state department to analyze and review each operational TNC and no later than July 1, 2024, verify each TNC's viability to ensure the health, safety, welfare, cost effectiveness, and capability in expanding nonmedical transportation services for individuals receiving services under the home- and community-based services for the elderly, blind, and disabled waiver; the home- and community-based services for persons with intellectual and developmental disabilities waiver; the home- and community-based services for persons with major mental health disorders waiver; the home- and community-based services for persons with brain injury waiver; the home- and community-based supported living services waiver; or the complementary and alternative medicine for a person with a spinal cord injury waiver. By July 1, 2024, the state department shall authorize verified transportation network companies to provide nonmedical transportation services if the state department finds the transportation network company viable under federal requirements and within budgetary constraints and shall promulgate any necessary rules.

The act appropriates \$110,811 to the department of health care policy and financing.

APPROVED by Governor June 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1188 ARPA account - home- and community-based services - purpose ineligible for federal match. Under current law, money in the ARPA account in the healthcare affordability and sustainability fee cash fund as a result of fund savings and federal matching dollars must be used in accordance with the federal "American Rescue Plan Act of 2021" (ARPA) to implement or supplement the implementation of home- and community-based services. The act authorizes money in the ARPA account to be used for a purpose that is ineligible for a federal match but otherwise authorized pursuant to the ARPA if the general assembly appropriates the money for that purpose.

APPROVED by Governor March 7, 2022

EFFECTIVE March 7, 2022

H.B. 22-1189 Comprehensive care coordination and treatment training model for persons who work with persons with intellectual and developmental disabilities - selection of providers and training completion deadlines. Current law requires the state department of health care policy and financing to obtain a vendor to provide a comprehensive care coordination and treatment training model (model) for persons who work with persons with intellectual and developmental disabilities and co-occurring behavioral health needs by January 1, 2022. The act removes that deadline.

Current law requires case-management agencies, mental health centers, and other program-approved service agencies in the state to nominate providers to participate in the model training designed and provided by the selected vendor no later than March 1, 2022. The act removes that deadline and requires that providers be nominated to participate in the

model training no later than 60 days after a vendor is obtained to provide the model training.

Current law requires providers participating in the model training to complete the training no later than March 30, 2023. The act removes that deadline and requires that the model training be completed no later than one calendar year after a provider is nominated to participate in the model training.

APPROVED by Governor March 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1190 Urban Indian organizations - appropriation - state-only payment to address health-care disparities. The act makes an appropriation and requires the department of health care policy and financing to distribute the money appropriated for supplemental, state-only payments to urban Indian organizations to address health-care disparities among the urban Indian community.

For the 2021-22 state fiscal year, the act appropriates \$70,825 from the general fund to the department of health care policy and financing for use for other medical services for state-only payments to urban Indian organizations.

For the 2022-23 state fiscal year, the act appropriates \$48,025 from the general fund to the department of health care policy and financing for use for other medical services for state-only payments to urban Indian organizations.

APPROVED by Governor March 7, 2022

EFFECTIVE March 7, 2022

H.B. 22-1191 Extension of administration - reproductive health-care program. The act extends the date by which the department of health care policy and financing shall administer the reproductive health-care program from January 1, 2022, to July 1, 2022.

APPROVED by Governor March 7, 2022

EFFECTIVE March 7, 2022

H.B. 22-1247 Nursing facility providers - supplemental payments - reporting and tracking - appropriation. The act directs the department of health care policy and financing (department) to do the following, with respect to nursing facility providers (nursing facilities):

- Issue additional supplemental payments as directed for the 2021-22 state fiscal year;
- Establish reporting and result tracking requirements necessary to administer additional supplemental funding;
- Pursue federal matching funds to reduce the state share of costs to the maximum amount possible; and
- Engage with stakeholders to produce a report including ways to improve methodology, practices regarding care and services to compassionate release individuals from the department of corrections, and funding for nursing facilities. The department shall submit the report to the joint budget committee

and committees of the general assembly on or before November 1, 2022.

The act grants the department authority to promulgate rules as necessary for implementation of the payments and their supporting requirements.

The supplemental payments and their supporting requirements are repealed, effective July 1, 2023.

For the 2021-22 state fiscal year, \$17,000,500 is appropriated to the department of health care policy and financing for use by medical services premiums based on the assumption that the department will receive federal funds to implement the act.

APPROVED by Governor April 25, 2022

EFFECTIVE April 25, 2022

H.B. 22-1268 Reporting - medicaid reimbursement rates - audit - behavioral and mental health providers. The act requires the department of health care policy and financing (department) to prepare a behavioral health rates report of medicaid reimbursement rates for community mental health providers and independent mental health and substance use treatment providers. The department shall hire an independent auditor to prepare the behavioral health rates report. The department shall, in coordination with the behavioral health rates report, prepare recommendations to create equitable payment models between providers of community mental health centers and independent mental health and substance use treatment providers providing comparable behavioral health services. The department shall present the behavioral health rates report and recommendations to the house of representatives public and behavioral health and human services committee.

The audit conducted must reflect data from state fiscal year 2020-21 and include a determination and recommendations on the adequacy of reimbursement rates paid to medicaid mental health providers. The department shall present an action plan to implement changes to reimbursement rates based on the findings of the audit to the joint budget committee before November 15, 2022. The department shall also prepare an annual progress report on the state's progress in implementing the action plan and provide an update at the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing on or before August 1, 2023, and annually thereafter through August 1, 2025. The act requires the department to fully implement the action plan no later than December 31, 2025.

The department shall publish an annual cost report on or before March 15, 2023, and each year thereafter. The department shall establish a cost report template and cost reporting schedule to assist community mental health centers in relaying cost information to the state department. The department shall establish a transparency report that translates the cost report data into meaningful and actionable information to ensure equity in provider compensation and adequate access to care for medicaid members. The department shall redact certain information from the cost reports to ensure compliance with state and federal privacy laws. The department shall create a publicly accessible website providing information on the behavioral health rates reports and information to assist the public, medicaid providers, and medicaid members in understanding the published information.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

H.B. 22-1279 Fundamental right - reproductive health care - right to contraception - right to abortion. The act declares that every individual has a fundamental right to use or refuse contraception; every pregnant individual has a fundamental right to continue the pregnancy and give birth or to have an abortion; and a fertilized egg, embryo, or fetus does not have independent or derivative rights under the laws of the state.

The act prohibits state and local public entities from:

- Denying, restricting, interfering with, or discriminating against an individual's fundamental right to use or refuse contraception or to continue a pregnancy and give birth or to have an abortion in the regulation or provision of benefits, services, information, or facilities; and
- Depriving, through prosecution, punishment, or other means, an individual of the individual's right to act or refrain from acting during the individual's own pregnancy based on the potential, actual, or perceived impact on the pregnancy, the pregnancy's outcomes, or on the pregnant individual's health.

APPROVED by Governor April 4, 2022

EFFECTIVE April 4, 2022

H.B. 22-1289 Health insurance coverage - low-income pregnant people and children in low-income families - eligibility regardless of immigration status - outreach - reporting - children's basic health plan and state children's basic health plan - lactation equipment and support - enrollment period - insurance affordability enterprise - appropriations. The act makes the following changes to health insurance coverage for low-income pregnant people and children in low-income families:

- Provides full health insurance coverage for Colorado pregnant people who would be eligible for medicaid and the children's basic health plan (CHIP) if not for their immigration status and continues that coverage for 12 months postpartum at the CHIP federal matching rate;
- Provides comprehensive health insurance coverage for all Colorado children who would be eligible for medicaid and CHIP if not for their immigration status;
- Requires the state department of health care policy and financing (department) to create an outreach and enrollment strategy for enrolling eligible groups into new coverage options;
- Requires the department to report to the joint budget committee in its 2024 presentation, as well as in its "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" reports, beginning in January 2026, information concerning the state-funded health and medical care program, the state children's basic health plan, and its plans and progress in implementing the coverage expansion for lawfully residing persons;
- Allows the state controller to allow the department to make an expenditure in excess of the amount authorized if the amount is for the state medical assistance program or the state children's basic health plan;
- Provides comprehensive lactation support services, lactation supplies and equipment, and maintenance of multi-use loaned equipment. Removes the annual enrollment fee for a family whose income is at or below one hundred fifty percent of the federal poverty line or an enrollee who is a pregnant person.
- Draws down federal funds to improve perinatal and postpartum support and

requires that priorities for the funds be determined through a stakeholder process;

- Creates a special enrollment period for health insurance coverage due to pregnancy so that an eligible person can sign up for insurance as soon as the person becomes pregnant; and
- Improves the quality of health insurance coverage available through the health insurance affordability enterprise.

For the 2022-23 state fiscal year, the following appropriations are made for the purpose of implementing this act:

- \$730,573 is appropriated to the department of health care policy and financing from the general fund;
- \$423,626 is appropriated to the department of public health and environment from the general fund for use by the center for health and environmental information;
- The 2022 long bill cash funds appropriation from the children's basic health plan trust for children's basic health plan medical and dental costs was decreased by \$340,727;
- The 2022 long bill cash funds appropriation from the healthcare affordability and sustainability fee cash fund for children's basic health plan medical and dental costs was decreased by \$564,678;
- The 2022 long bill appropriation to the department of health care policy and financing from the general fund for children's basic health plan medical and dental costs was increased by \$144,229; and
- The 2022 long bill was adjusted as a result of an assumption by the general assembly that the department of health care policy and financing will receive \$761,176 in federal funds for children's basic health plan medical and dental costs to implement this act.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

H.B. 22-1290 Complex rehabilitation technology - no prior authorization for repairs - repair metrics - accountability of qualified complex rehabilitation technology suppliers - reimburse labor costs - appropriation. The act prohibits the department of health care policy and financing (state department) from requiring prior authorization for any repair of complex rehabilitation technology (CRT).

No later than October 1, 2023, the act requires the medical services board to promulgate rules establishing repair metrics for all CRT suppliers and CRT professionals. Prior to promulgating rules, the act requires the state department to engage in a stakeholder process. Beginning January 2024, the act requires the state department to report on the metrics and compliance with the metrics.

Beginning 3 years after the date the repair metric rules are established, the act authorizes the state department to engage in a stakeholder process to determine the need for additional accountability of a qualified CRT supplier through penalties, audits, or similar tools, for violations of the metric rules.

Beginning December 1, 2024, the act requires the state department to reimburse labor costs at a rate that is 25% higher for clients residing in rural areas than urban areas.

The act appropriates \$112,668 from the general fund to department of health care policy and financing to implement the act.

APPROVED by Governor June 2, 2022

EFFECTIVE June 2, 2022

H.B. 22-1302 Primary care and behavioral health statewide integration grant program - universal contract - community placement transformation - appropriations. The act creates the primary care and behavioral health statewide integration grant program in the department of health care policy and financing (state department) to provide grants to primary care clinics for implementation of evidence-based clinical integration care models.

The act requires the state department, in collaboration with the behavioral health administration and other agencies, to develop a universal contract for behavioral health services.

The act requires the state department to undertake efforts to transform the state department's process for clients attempting to receive long-term care in the community to respond to the United States department of justice's letter of findings concerning the investigation of Colorado's use of nursing facilities to serve adults with physical disabilities.

The act appropriates to implement the act:

- \$616,968 to the department from the general fund;
- \$986,948 to the department from federal funds; and
- \$31,750,00 to the department from the behavioral and mental health cash fund.

APPROVED by Governor May 18, 2022

EFFECTIVE May 18, 2022

NOTE: Specified provisions are contingent on House Bills 22-1278 and 22-1411 becoming law. House Bill 22-1278 was signed by the governor on May 25, 2022, and House Bill 22-1411 was signed by the governor on May 27, 2022.

H.B. 22-1333 Nursing facilities - supplemental payments - minimum wage - appropriation. Under current law, only nursing facilities that are within a locality that has increased its local minimum wage are eligible to receive annual supplemental payments to increase the minimum wage for nursing facility employees up to the minimum wage set by the locality. The act changes the definition of "eligible nursing facility provider" and makes other conforming changes to allow any Colorado nursing facility that meets the defined criteria to be eligible to receive wage enhancement supplemental payments, as defined in the act, to increase the minimum wage for nursing facility employees to at least \$15 per hour.

The act appropriates \$2,389,627 from federal funds in the general fund to the department of health care policy and financing for medical and long-term care services for medicaid eligible individuals.

APPROVED by Governor April 25, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1403 Health-care billing requirements for indigent patients - extension. House Bill 21-1198 established health-care billing requirements for indigent patients beginning June 1, 2022. The act changes the beginning date to September 1, 2022.

APPROVED by Governor May 20, 2022

EFFECTIVE May 20, 2022

HUMAN SERVICES - BEHAVIORAL HEALTH

S.B. 22-102 Out-of-home placements - children and youth with intellectual and developmental disabilities - interdisciplinary appeals review panel and process. The act requires the state department of human services (department) to promulgate additional rules relating to children and youth with intellectual and developmental disabilities (children and youth) who are in out-of-home placements. The additional rules include access to the interdisciplinary appeals review panel (review panel) for the appeals process for children and youth who have been determined to be ineligible for the program of services (program) for children and youth who have been placed out of the home. The act allows for the addition of additional members to the review panel.

To promote transparency and accountability, the act requires the department to submit a report on details of the program to the health and human services committee of the senate and the public and behavioral health and human services committee of the house of representatives, or any successor committees, and details the information required on the report.

APPROVED by Governor March 17, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-106 Compliance with conflict of interest policies - managed care entities - administrative services organizations - managed service organization - transparency and accountability - appropriation. On or before January 1, 2023, the act requires each managed care entity, administrative service organization, and managed service organization that has 25% or more ownership by providers of behavioral health services to comply with certain conflict of interest policies in order to promote transparency and accountability.

The act appropriates \$42,658 from the general fund to the department of health care policy and financing to implement the act.

APPROVED by Governor May 20, 2022

EFFECTIVE May 20, 2022

S.B. 22-148 Colorado land-based tribe behavioral health services grant program - repeal - appropriation. The act creates the Colorado land-based tribe behavioral health services grant program (grant program) to provide funding to one or more Colorado land-based tribes to support capital expenditure for the renovation or building of a behavioral health facility to provide behavioral and mental health services. The grant program repeals on July 1, 2027.

The act appropriates \$5 million from the behavioral and mental health cash fund to the department of human services for use by the behavioral health administration.

APPROVED by Governor May 24, 2022

EFFECTIVE May 24, 2022

S.B. 22-177 Statewide care coordination infrastructure - cloud-based platform - SMART act hearing - appropriation. The act requires the statewide care coordination infrastructure to include a cloud-based platform to allow providers that do not utilize an electronic health

record to actively participate in the care coordination infrastructure.

The act requires the behavioral health administration (BHA) to:

- Ensure navigators are available through the statewide care coordination infrastructure website and mobile application, as well as in specific regional locations; and
- Utilize behavioral health administrative service organizations to help individuals and families initiate care and ensure timely access to services.

To implement the care coordination infrastructure, the act requires the BHA to train new and existing navigators on behavioral health safety net system services, behavioral health service delivery procedures, and social determinants of health resources; ensure that the care coordination infrastructure can direct individuals where to seek in-person or virtual navigation support; ensure that the administrative burden associated with provider enrollment and credentialing for navigators and care coordination providers is minimal; include a summary of outcomes for individuals who access the infrastructure in the BHA's annual report; and ensure the 988 crisis hotline responds to anyone experiencing a mental health or substance use crisis, documents referrals and transfers of care of persons with one or more community-based service providers, and includes connections to available behavioral health systems and services.

Beginning January 2025, and each January thereafter, the act requires the department of health care policy and financing to assess the care coordination services provided by managed care entities and provide a report as part of its State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act hearing.

The act appropriates \$12.2 million from the behavioral and mental health cash fund to the department of human services for use by the behavioral health administration for the care coordination infrastructure.

The act only takes effect if House Bill 22-1278, which creates the behavioral health administration, becomes law.

APPROVED by Governor May 25, 2022

EFFECTIVE May 25, 2022

NOTE: House Bill 22-1278 was signed by the governor on May 25, 2022.

S.B. 22-196 Criminal justice system - behavioral health - early intervention, deflection, and redirection from the criminal justice system grant program - medication-assisted treatment in prison - pre-trial diversion - jail data-sharing - medical assistance program service to persons in the criminal justice system - appropriations. The act establishes the early intervention, deflection, and redirection from the criminal justice system grant program (grant program) in the behavioral health administration (BHA) to provide grants to fund programs and strategies that prevent people with behavioral health needs from becoming involved with the criminal justice system or that redirect individuals in the criminal justice system with behavioral health needs from the system to appropriate services.

Local governments, federally recognized Indian tribes, hospitals, health-care providers, and community-based organizations are eligible for a grant; local law enforcement agencies are eligible for a grant only for the purpose of developing or

expanding a co-responder community response program. In order to receive a grant, an applicant must offer a monetary contribution or in-kind contributions that directly support the services provided with the grant award. The BHA may waive the monetary or in-kind contribution requirement for applicants requesting a grant of less than \$50,000.

The BHA administers the grant program in consultation with the department of public safety. The act establishes a review committee to review grant applications and make recommendations to the BHA and department of public safety about which applicants should receive grants and the amount of each grant. After receiving and reviewing recommendations from the review committee and after consultation with the department of public safety, the BHA shall award grants. Each grant recipient must report to the BHA information about the use of the grant. The bill requires the general assembly to appropriate \$50.7 million from the behavioral and mental health cash fund to the department of human services for the grant program.

The act requires the general assembly to appropriate \$3 million from the behavioral and mental health cash fund to the department of corrections (department) to provide medication-assisted treatment to individuals who are placed in the custody of the department. The department shall use the money for upgrades necessary to store medications at department facilities, for providing continuity of care for inmates with a substance use disorder between institutional settings and community-based treatment, and for facilitating long-term treatment and recovery of individuals upon release.

The act requires the general assembly to appropriate \$4 million from the behavioral and mental health cash fund to the judicial department for allocation to district attorneys for pretrial diversion programs. The judicial department is required to allocate \$1.8 million of the money to recipients that provide diversion for individuals with behavioral health disorders. A district attorney who receives funding for a pretrial diversion program is required report the number of people screened for and referred to behavioral health treatment.

The act creates the behavioral health information and data sharing program to award grants to counties to integrate the county jails' data systems with the Colorado integrated criminal justice information system. The division of criminal justice (division) within the department of public safety administers the program. The division is required to collaborate with the office of information technology to oversee the implementation of data-sharing systems or software necessary to exchange information with the Colorado integrated criminal justice information system. The act requires the general assembly to appropriate \$3.5 million from the behavioral and mental health cash fund for the program.

The act requires the state department of health care policy and financing (HCPF) to evaluate and determine whether the state should seek additional federal authority to provide screening, brief intervention, and care coordination services through the medical assistance program to persons immediately prior to release from jail or a department of corrections facility and to improve processes for determining and redetermining individuals for medical assistance eligibility. If HCPF determines that the state should request federal authority, HCPF must make the request and, if the requested federal authority is granted, provide the benefits. If HCPF determines that the state should not request federal authority, HCPF must submit a report to the joint budget committee of the general assembly that includes an alternate plan to ensure continuity of care for individuals being released from jail or prison.

The act requires HCPF to determine whether federal authority is necessary to provide

benefit coverage under the medical assistance program to people who are on work release from jail.

The act requires each county jail to report quarterly about the number of inmates whose medicaid is suspended while incarcerated and the number of incarcerated inmates who are enrolled in, or whose medicaid is reinstated, prior to release. The act requires a county jail to provide medicaid enrollment or re-enrollment paperwork to a person who is incarcerated in the jail and is eligible for medicaid benefits when the person enters the county jail.

The act requires an administrator of a community corrections program to partner with a county department of human or social services to facilitate enrolling each offender participating in the program into medicaid.

The act makes the following appropriations from the behavioral and mental health cash fund:

- \$50.7 million to the department of human services for use by the BHA for the grant program;
- \$4 million to the judicial department for adult district attorney pretrial diversion programs;
- \$3.5 million to the department of public safety for behavioral health information and data sharing grants, of which, \$1,760,709 is reappropriated to the office of information technology; and
- \$3 million to the department of corrections for its mental health subprogram.

The act appropriates \$81,164 from the general fund to the department of health care policy and financing.

APPROVED by Governor May 19, 2022

EFFECTIVE May 19, 2022

H.B. 22-1052 Student behavioral health services - student identification card information - notify schools about behavioral health services - appropriation. The act requires each student identification card issued to a public school student to contain the phone number, website, and text talk number for the 24-hour telephone crisis service center (Colorado crisis services) and Safe2Tell. If the school does not issue identification cards, the school shall request and display outreach materials from Colorado crisis services and send that information to parents and guardians at the beginning of each school year.

The act requires the department of human services (department) to notify each public and private school in the state about services provided by the behavioral health crisis response system and the possibility of peer-to-peer counseling as part of the offered services. The department shall provide behavioral health crisis response system awareness and educational materials to each public and private school in the state.

\$267,065 is appropriated from the general fund to the department of human services for use by the behavioral health administration to implement the act.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

H.B. 22-1214 Crisis system facilities and programs - standards for mental health and substance use disorder services. The act requires crisis system facilities and programs, including crisis walk-in centers, respite services, and mobile crisis programs, to meet minimum standards to provide mental health and substance use disorder services. The act clarifies that crisis system facilities and programs shall provide behavioral health services to individuals experiencing a substance use disorder crisis. Mobile crisis programs and crisis walk-in centers shall provide crisis response screening services to any individual, including youth of any age and individuals with a disability.

APPROVED by Governor April 27, 2022

EFFECTIVE April 27, 2022

H.B. 22-1221 County coroner and mortuary mental health and wellness program - appropriation. On or before January 31, 2023, the act requires the behavioral health administration (BHA) to administer the county coroner and mortuary mental health and wellness program (program). The program provides mental health and wellness services to county coroners, county coroner's staff, persons working for volunteer groups, funeral directors, and mortuary science practitioners.

The act requires each funeral home that employs a funeral director or mortuary science practitioner to pay for the actual costs of providing the mental health and wellness services if a funeral director or mortuary science practitioner requests to participate in the program and the funeral director's or mortuary science practitioner's health insurance coverage does not cover the costs of providing such services.

On or before April 1, 2023, the act requires the BHA to provide information about the program to those eligible for the program. The program repeals on September 1, 2029.

The act appropriates \$100,000 from the general fund to the BHA for the program.

Vetoed by Governor May 27, 2022.

H.B. 22-1256 Involuntary civil commitment - emergency mental health hold - rights of person transported or detained - report - appropriation. Current law sets forth emergency procedures to transport a person for a screening and to detain a person for a 72-hour treatment and evaluation if the person appears to have a mental health disorder, and as a result of the mental health disorder, appears to be an imminent danger to the person's self or others or appears to be gravely disabled. Current law also sets forth procedures to certify a person for short-term or long-term care and treatment if the person has a mental health disorder, and as a result of the mental health disorder, is a danger to the person's self or others or is gravely disabled. The act modifies these procedures by:

- Transferring duties of the executive director of the department of human services to the commissioner (commissioner) of the behavioral health administration (BHA);
- Limiting who can take a person into protective custody and transport the person to an outpatient mental health facility, a facility designated by the commissioner (designated facility), or an emergency medical services facility (EMS facility) if the person has probable cause to believe a person is experiencing a behavioral health crisis;
- Requiring the facility where the person is transported to require an

application, in writing, stating the circumstances and specific facts under which the person's condition was called to the attention of a certified peace officer or intervening professional;

- Requiring an intervening professional to screen the person immediately or within 8 hours after the person's arrival at the facility to determine if the person meets the criteria for an emergency mental health hold;
- Establishing certain rights for a person being transported, which must be explained prior to transporting the person;
- Effective July 1, 2023:
 - Subjecting a person who files a malicious or false petition for an evaluation of a respondent to criminal prosecution;
 - Authorizing a certified peace officer to transport a person to an EMS facility even if a warrant has been issued for the person's arrest, if the certified peace officer believes it is in the best interest of the person;
 - Authorizing an intervening professional or certified peace officer to initiate an emergency mental health hold at the time of screening the respondent;
 - Authorizing a secure transportation provider to take a respondent into custody and transport the person to an EMS facility or designated facility for an emergency mental health hold;
 - Expanding the list of professionals who may terminate the emergency mental health hold;
 - Requiring the evaluation to be completed using a standardized form approved by the commissioner;
 - Requiring an EMS facility to immediately notify the BHA if a person is evaluated and the evaluating professional determines that the person continues to meet the criteria for an emergency mental health hold and the facility cannot locate appropriate placement;
 - Requiring the BHA to support the EMS facility in locating an appropriate placement option. If an appropriate placement option cannot be located, the act authorizes the EMS facility to place the person under a subsequent emergency mental health hold and requires the court to immediately appoint an attorney.
 - Authorizing a designated facility to place the person under a subsequent emergency mental health hold if the person has been recently transferred from an EMS facility to the designated facility and the designated facility is unable to complete the evaluation before the initial emergency mental health hold is set to expire; and
 - Requiring the facility to provide the person with discharge instructions; facilitate a follow-up appointment within 7 calendar days after discharge; attempt to follow up with the person 48 hours after discharge; and encourage the person to designate a family member, friend, or lay person to participate in the person's discharge planning.
- Effective January 1, 2024:
 - Authorizing the BHA to delegate physical custody of the respondent to a designated facility;
 - Requiring an extended certification to be filed with the court at least 30 days prior to the expiration of the original certification;
 - Establishing requirements for a short-term or long-term certification on an outpatient basis; and
 - Requiring the outpatient treatment provider, in collaboration with the BHA, to develop a treatment plan for the respondent and requiring the

BHA to create a one-step grievance process for the respondent related to the respondent's treatment plan or provider.

The act establishes a right to an attorney for a person certified for short-term or long-term care and treatment, regardless of income.

The act establishes certain rights for a person transported or detained for an emergency mental health hold or certified on an outpatient basis. The act modifies current rights for a person certified for short-term or long-term care and treatment on an inpatient basis.

Beginning January 1, 2025, the act requires the BHA to annually submit a report to the general assembly on the outcomes and effectiveness of the involuntary commitment system, disaggregated by region, including any recommendations to improve the system and outcomes for persons involuntarily committed or certified.

The act appropriates \$522,433 to the department of human services, \$177,426 to the department of law, and \$86,700 to the judicial department.

APPROVED by Governor June 8, 2022 **PORTIONS EFFECTIVE** August 10, 2022
PORTIONS EFFECTIVE July 1, 2023
PORTIONS EFFECTIVE July 1, 2024

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1278 Behavioral health administration - creation - duties - commissioner - appropriations. The act creates the behavioral health administration (BHA) in the department of human services (department) to create a coordinated, cohesive, and effective behavioral health system in the state. The BHA will handle most of the behavioral health programs that were previously handled by the office of behavioral health in the department. The act establishes a commissioner as the head of the BHA and authorizes the commissioner and state board of human services to adopt and amend rules that previously were promulgated by the executive director of the department.

By July 1, 2024, the act requires the BHA to establish:

- A statewide behavioral health grievance system;
- A behavioral health performance monitoring system;
- A comprehensive behavioral health safety net system;
- Regionally-based behavioral health administrative service organizations;
- The BHA as the licensing authority for all behavioral health entities; and
- The BHA advisory council to provide feedback to the BHA on the behavioral health system in the state.

The act transfers to the department of public health and environment responsibility for community prevention and early intervention programs previously administered by the department.

The act makes extensive conforming amendments.

The act appropriates from the general fund to the department:

- \$671,538 for use by the executive director's office;
- \$542,470 for administration and finance; and
- \$2,495,231 for use by the behavioral health administration;

The act makes various adjustments to the 2022 general appropriations act for the department, the department of public health and environment, and the legislative department.

The act appropriates to the department of public health and environment \$638,608 for use by the prevention services division of which \$48,111 is from the general fund and \$590,497 is from the marijuana tax cash fund.

The act appropriates to the department of public health and environment:

- From reappropriated federal funds \$8,181,248 for use by the prevention services division;
- From the marijuana tax cash fund \$18,127 for administration; and
- From the general fund \$11,846 for use by administration and support.

The act appropriates from the general fund to the department of health care policy and financing, \$246,399 for use by the executive director's office.

The act appropriates from the division of insurance cash fund \$142,766 to the department of regulatory agencies for use by the division of insurance.

APPROVED by Governor May 25, 2022

PORTIONS EFFECTIVE July 1, 2022
PORTIONS EFFECTIVE July 1, 2023
PORTIONS EFFECTIVE July 1, 2024

NOTE: Specified sections are contingent on House Bills 22-1256 and 22-1283 and Senate Bill 22-021 becoming law. House Bill 22-1256 was signed by the governor on June 8, 2022. House Bill 22-1283 was signed by the governor on May 18, 2022. Senate Bill 22-021 was signed by the governor on June 8, 2022.

H.B. 22-1281 Behavioral health-care services - substance use disorder treatment workforce - grant programs - appropriations. The act establishes the behavioral health-care continuum gap grant program in the behavioral health administration (BHA). The BHA administers the grant program. As part of the behavioral health-care continuum gap grant program, the BHA may award community investment grants to support services along the continuum of behavioral health-care and children, youth, and family services grants to expand youth-oriented and family-oriented behavioral health-care services. A community-based organization, local government, federally recognized Indian tribe, or nonprofit organization is eligible for a community investment grant. A community-based organization, local government, federally recognized Indian tribe, local collaborative management program, judicial district juvenile services planning committee, or nonprofit organization is eligible for a children, youth, and family services grant.

The BHA must develop a behavioral health-care services assessment tool that behavioral health-care continuum gap grant program applicants can use to identify regional gaps in behavioral health and substance use disorder services, underserved populations, and

unmet behavioral health needs. In awarding grants, the BHA shall give preference to applicants providing a service that addresses a gap in services identified with the BHA's assessment tool or a county, regional, or community assessment tool.

In order to receive a community behavioral health-care continuum gap grant, an applicant must offer a monetary contribution or in-kind contributions that directly support the behavioral health-care services provided with the grant award. The BHA may waive the monetary or in-kind contribution requirement for applicants requesting a grant of less than \$50,000. Each grant recipient must report to the BHA about its use of the grant award. The state department of human services must include information about the grant program in its annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing.

The act establishes the substance use workforce stability grant program in the BHA. A substance use disorder treatment provider, a recovery provider, and local governments are eligible for a grant. In order to receive a grant, a provider must prioritize providing services to voluntary and civil clients. The BHA shall prioritize awarding grants to providers that offer same-day or next-day appointments, serve low-income and marginalized populations, or intend to expand the number of individuals they serve. A grant recipient shall use a grant award to support direct care staff who spend 50% or more of their time working with clients.

The act appropriates \$75 million from the behavioral and mental health cash fund to the state department for the behavioral health-care continuum gap grant program and \$15 million from the behavioral and mental health cash fund to the state department for the substance use workforce stability grant program.

APPROVED by Governor May 18, 2022

EFFECTIVE May 18, 2022

H.B. 22-1283 Persons with behavioral health needs - residential services - appropriations. The act implements the recommendations of the behavioral health transformational task force concerning youth and family residential care. Specifically, the act:

- Provides operational support for psychiatric residential treatment facilities and qualified residential treatment programs for youth;
- Creates in-home and residential respite care in up to 7 regions of the state for children and families; and
- Provides funds to build and staff a neuro-psych facility at the Colorado mental health institute at Fort Logan.

The act makes the following appropriations to the department of human services from the behavioral and mental health cash fund:

- \$11,628,023 is appropriated for respite and residential programs;
- \$7,500,000 is appropriated for use by the behavioral health administration to expand substance use residential treatment beds for adolescents and for crisis response service systems; and
- \$539,926 is appropriated for use by the behavioral health administration and is for building maintenance costs associated with the youth neuro-psych facility at the Colorado mental health institute at Fort Logan. An additional \$35,000,000 is appropriated for capital construction costs related to the construction of a youth neuro-psych facility at the Colorado mental health

institute at Fort Logan.

APPROVED by Governor May 18, 2022

EFFECTIVE May 18, 2022

H.B. 22-1303 Renovation at mental health institute at Fort Logan - creation of additional beds at mental health facilities - licensure - criteria - appropriation. The act requires the department of human services (department) to renovate a building at the mental health institute at Fort Logan to create at least 16 additional inpatient beds for persons in need of residential behavioral health treatment. The act authorizes the new beds to be used for persons needing competency services until the backlog of such persons is eliminated, and at that point the beds may begin to serve civil patients.

The act also directs the department and the department of health care policy and financing to create, develop, or contract to add at least 125 additional beds at mental health residential facilities (mental health facilities) throughout the state for adults in need of ongoing supportive services. For the new beds, the act requires the department, in collaboration with the behavioral health administration, the department of health care policy and financing, and relevant stakeholders, to establish criteria for admissions and discharge planning, quality assurance monitoring, appropriate length of stay, and compliance with applicable federal law. The act requires mental health facilities to be licensed by the department of public health and environment as an assisted living facility or by the department as a behavioral health entity during the 2022-23 state fiscal year. Starting in the 2023-24 state fiscal year, the mental health facilities must be licensed by the behavioral health administration.

The act appropriates to the department from the behavioral and mental health cash fund:

- \$728,296 for use by administration and finance;
- \$39,854,179 for use by the office of behavioral health for contract beds and renovations in mental health residential facilities, costs associated with additional beds in department facilities, and oversight of the additional beds;
- \$6,578,266 for costs associated with the operation of additional beds at the Colorado mental health institute at Fort Logan;
- \$6,991,567 for capital construction at the mental health institute at Fort Logan; and
- \$3,692,111 for capital construction at three existing department facilities to create mental health residential facilities.

The act also appropriates \$91,938 to the department of health care policy and financing.

APPROVED by Governor May 18, 2022

EFFECTIVE May 18, 2022

H.B. 22-1344 Post traumatic stress disorder - prescription and use of federally approved medication containing MDMA. The act states that if the United States food and drug administration approves a prescription medicine that contains 3,4-methylenedioxymethamphetamine (MDMA), and if that medicine has been placed on a schedule of the federal "Controlled Substances Act", other than schedule I, or has been exempted from one or more provisions of such act, then thereafter prescribing, dispensing,

transporting, possessing, and using that prescription drug is legal in Colorado only if the medicine is possessed by a person authorized to legally possess such a controlled substance in Colorado.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1378 Denver-metropolitan regional navigation campus grant - homelessness - cash fund - appropriation. The act directs the division of housing in the department of local affairs (division) to award a grant to a local government in the Denver metropolitan area or a community partner in conjunction with a local government in order to build or acquire, and then facilitate, a regional navigation campus to respond to and prevent homelessness.

The act requires the division, in collaboration with the department of human services and the behavioral health administration in the department of human services, to establish application requirements, review applications, select a grant recipient, and ensure the grant is only awarded after a fair and rigorous open competition among eligible applicants.

The act creates the regional navigation campus cash fund (cash fund) and requires the state treasurer to transfer \$50 million from the economic recovery and relief cash fund to the regional navigation campus cash fund on July 1, 2022.

For the 2022-23 state fiscal year, the act appropriates \$44,557 to the department of human services for use by the behavioral health administration from the funds transferred to the cash fund.

APPROVED by Governor May 31, 2022

EFFECTIVE May 31, 2022

HUMAN SERVICES - SOCIAL SERVICES

S.B. 22-37 Tony Grampsas youth services program - modifications to program requirements and administration. The act makes changes to the Tony Grampsas youth services program (program). The act eliminates state agencies and state-operated programs from the list of entities that can apply for a grant to participate in the program and changes the definition of "entity" to ensure compliance with federal case law.

The act adds prevention services to the services provided for youth and their families through community-based programming, including services for reducing crime and violence, abuse and neglect, drug and alcohol use, and school dropouts.

The act changes certain criteria for adult and youth members to be appointed to the Tony Grampsas youth services board and requires the grant application process for participating in the program to identify and prioritize funding programs that meet a need in the community.

The act requires entities that provide evidence-informed services for the youth mentoring services program to meet certain criteria.

The act specifies for entities providing services for the Colorado student before-and-after-school project that the services may include alcohol, tobacco, and other drug use intervention, prevention, and education components.

The act requires unexpended and unencumbered money remaining in the funds that support the program at the end of a state fiscal year to remain in the funds and available for expenditure by the state department in the following state fiscal year without further appropriations to the funds.

APPROVED by Governor March 17, 2022

EFFECTIVE March 17, 2022

S.B. 22-64 Neighborhood youth organizations - licensing - duties and responsibilities. Under current law, a neighborhood youth organization (NYO) serves youth as young as 6 years of age and as old as 18 years of age. The act lowers the minimum age of a youth member to 5 years of age if the youth is in kindergarten.

The act permits an NYO to create an electronic or written process to record the daily arrival and departure times of youth members in order to track attendance, assess the impact of programs and services on youth members, and ensure an NYO operates in the best interest and safety of youth members.

The act requires each NYO to maintain a complete set of records for youth members and personnel. Each neighborhood youth organization is required to maintain the confidentiality of certain records that are not subject to review by the public. Records concerning the licensing of an NYO's facilities and agencies are open to the public and a person who wishes to review a record must submit a written request to the department of human services.

The act requires that an NYO's programs and services must occur primarily in a facility the NYO leases or owns or has been granted use of or access to.

The act requires an NYO to offer programs and services that are evidence- or research-based, age-appropriate, and foster supportive relationships with peers and adults while offering character and leadership development, academic supports, job skills training, behavioral health supports, health and nutrition services, and other critical resources and services that a community identifies as necessary. An NYO serves all children, youth, and families, but with a focus on programs and services that ensure affordable access for low-income populations.

APPROVED by Governor March 17, 2022

EFFECTIVE March 17, 2022

S.B. 22-183 Victims services - funding - domestic violence programs - crime victim services funding - crime victim services advisory board - appropriation. Under existing law, the state department of human services (department) reimburses local governments and nongovernmental agencies that operate domestic abuse programs for providing services to victims of domestic violence. The act renames "domestic abuse programs" as "domestic violence programs", repeals the authority to reimburse local governments, and requires the department to reimburse a nongovernmental agency or a federally recognized Indian tribe that operates a domestic violence, sexual assault, or culturally specific program (program) that provides services to victims of domestic abuse or sexual assault (program services). The act repeals the requirement that programs must request information from each client concerning the relationship of the client to the alleged perpetrator of the abuse.

The act permits the department to enter into an agreement with a federally recognized state or tribal domestic violence or sexual assault coalition (coalition) for program services and other related services. A coalition that enters into a contract or agreement with the department shall provide training and technical assistance for programs and may participate in systems advocacy, develop and implement policies to improve the response to and prevention of domestic violence or sexual assault, and conduct statewide community outreach and public education related to domestic violence and sexual assault. A coalition may subcontract with a nongovernmental agency or federally recognized Indian tribe that operates a program.

The act creates the state domestic violence and sexual assault services fund, transfers \$6 million to the fund from the behavioral and mental health cash fund, and requires the department to publish information on its website about the use of program funds and organizations that receive funds.

The act creates the Colorado crime victim services fund (victim services fund) and requires the state treasurer to transfer \$32 million to the fund from the economic recovery and relief cash fund and \$6 million to the fund from the general fund. The division of criminal justice in the department of public safety makes grants from the victim services fund to government agencies and nonprofit organizations that provide services for crime victims. The division is required to publish information on its website about the use of grant funds and organizations that receive grant awards.

The act permits the division of criminal justice to grant money from the victims assistance and law enforcement fund for mass tragedy response.

The act limits members of the crime victim services advisory board to serving 3 consecutive 3-year terms on the board.

The act requires the state treasurer to transfer \$3 million to the victims and witnesses assistance and law enforcement fund from the economic recovery and relief cash fund. The state court administrator is required to distribute the money based on need.

The act requires the state treasurer to transfer \$1 million to the community crime victims grant program cash fund from the general fund.

For state fiscal year 2021-22, the general assembly appropriated \$1.5 million to the department of public safety for the state victims assistance and law enforcement program and \$4.75 million to the department of human services for the domestic abuse program. The act further appropriates any of that money that is not expended by July 1, 2022, to each department for use in the 2022-23 and 2023-24 state fiscal years.

APPROVED by Governor May 19, 2022

EFFECTIVE May 19, 2022

S.B. 22-185 Older Coloradans - strategic investments in aging grant program - cash fund. The act renames the area agency on aging grant program to the strategic investments in aging grant program (grant program). The grant program administers state assistance to finance projects across the state that are intended to assist and support older Coloradans.

The act extends the grant program indefinitely to continue the support of projects that promote the health, equity, well-being, and security of older Coloradans across the state.

The act renames the area agency on aging cash fund to the strategic investments in aging cash fund (fund). Money in the fund is continuously appropriated to the department of human services to fund programs and projects consistent with the grant program.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

S.B. 22-235 Public assistance programs - medical assistance programs - county administration assessment - funding model - appropriation. The act requires the department of human services (DHS) and the department of health care policy and financing (HCPF), in consultation with county departments of human and social services (county departments), to develop a scope of work for a comprehensive assessment of the best practices related to the administration of public and medical assistance programs. The act requires DHS to enter into an agreement with a third party to conduct the comprehensive assessment, evaluate existing practices for the administration of public and medical assistance programs, and make recommendations related to administration of public and medical assistance programs and ongoing evaluation of the public and medical assistance program system. On or before July 1, 2023, DHS is required to submit the results of the comprehensive assessment to HCPF, county departments, and the joint budget committee. On or before November 1, 2023, DHS is required to submit a fiscal impact analysis of implementing the third party's recommendations to the joint budget committee.

Following completion of the comprehensive assessment, and no later than January 1, 2024, DHS is required to enter into an agreement with an outside entity to develop a public and medical assistance programs funding model (funding model) to determine the amount of money necessary to fund county administration of certain public assistance programs overseen by DHS and HCPF. On or before November 1, 2024, DHS is required to deliver the results of the funding model for fiscal year 2025-26 to HCPF, county

departments, and the joint budget committee.

The act requires DHS to enter into an agreement with an outside entity to annually update and modify the funding model and requires DHS to submit the results of the funding model to HCPF, county departments, and the joint budget committee by November 1 of each year.

Beginning with fiscal year 2025-26, the joint budget committee shall use the results of the funding model to inform its decisions regarding the amount of the appropriation to DHS and HCPF to fund county administration of public assistance programs. DHS and HCPF shall allocate money to counties for public assistance program administration in accordance with the results of the funding model.

The act requires DHS and HCPF to submit an annual report to the joint budget committee on the funding model.

The act appropriates \$80,000 to HCPF for administration related to office of economic security - medicaid funding, of which \$48,120 is from the general fund and \$31,880 is from the healthcare affordability and sustainability fee cash fund. The act also appropriates \$280,000 to DHS for administration, of which \$120,000 is from the general fund and \$160,000 is from reappropriated funds received from HCPF.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

H.B. 22-1035 Older Coloradans' Act - commission on aging - lifelong Colorado initiative - duties. The act updates the "Older Coloradans' Act" (act). The purpose of the act is to support older Coloradans through community planning, social services, health and well-being services, and strategies to prepare the state's infrastructure for an increasing older population of Coloradans.

The act updates include:

- Reorganizing the commission on aging (commission) and increasing membership from 17 to 19 in order to coordinate and implement the strategic action plan on aging (plan) and to make recommendations;
- Appointing a state department of human services (state department) liaison to act as the primary contact for the commission in order to coordinate commission-related duties with the state department and other state agencies;
- Convening a technical advisory committee (committee) comprised of key state agency representatives to direct the implementation of the plan and the commission's recommendations; and
- Creating the lifelong Colorado initiative within the state department's state office on aging to coordinate strategies and implementation of the plan and the commission's recommendations with the commission, committee, and key state agencies.

APPROVED by Governor March 24, 2022

EFFECTIVE March 24, 2022

H.B. 22-1209 Strategic action planning group on aging - sunset. The act implements the recommendation of the department of regulatory agencies' sunset review and report

concerning the strategic action planning group on aging by repealing the planning group.

APPROVED by Governor April 12, 2022

EFFECTIVE April 12, 2022

NOTE: Specified sections are contingent on House Bill 22-1035 becoming law. House Bill 22-1035 was signed by the Governor March 24, 2022.

H.B. 22-1245 Foster youth - services - transition to adulthood. The act updates and clarifies language related to the foster youth in transition program (program), including:

- Defining "dependent on the court" as being under the juvenile court's jurisdiction;
- Directing the court to advise the juvenile of specific services;
- Repealing certain provisions related to continuing jurisdiction of the court;
- Adding provisions to the program for juveniles or youths who were in a dependency and neglect case or other case pursuant to the Children's Code;
- Updating and specifying the form and content of the petition for the program; and
- Adding language and requirements concerning the initial hearing related to the program.

APPROVED by Governor April 12, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1259 Colorado works program - increase in basic cash assistance grant - review and report - outreach and engagement plan - rules - appropriation. The act allows the state board of human services (state board) to utilize eligibility processes from other public assistance or entitlement programs when promulgating rules for redetermining and verifying eligibility for the Colorado works program (works program).

When determining income requirements for the works program, the act requires the department of human services (state department) to use an income conversion ratio for converting weekly and biweekly income to a monthly amount using the lowest ratio or methodology that results in the lowest monthly income amount allowable under federal law.

Current law prohibits a person convicted of a drug-related felony offense from being eligible for assistance under the works program unless the person is determined by a county department of human or social services (county department) to have taken action toward rehabilitation. The act removes the ban on eligibility.

No later than July 1, 2023, the act requires the state board to promulgate rules establishing statewide standards and procedures that require counties to:

- Offer an extension beyond the 60-month lifetime maximum for all households that demonstrate good cause, which includes, but is not limited to, an applicant or participant who is a child-only case, the head of a single parent household and has a child under one year of age, or experiencing hardship; and

- Inform and not penalize any applicant or household that demonstrates good cause for an exemption from work requirements which includes, but is not limited to, an applicant or participant who is the head of a single-parent household and has a child under one year of age or is experiencing hardship.

The act requires the state department to annually review and promulgate rules as necessary to update the standard of need to ensure the standard of need is equitable, promotes economic mobility and self-sufficiency, and reflects the current economic status of the state.

Current law requires the state department to ensure the amount of a basic cash assistance grant that an applicant or participant receives is equal to or exceeds 102% of the need standard for a participant in a similarly sized household on January 1, 2008. For the state fiscal year commencing July 1, 2022, the act requires the amount of the basic cash assistance grant to equal or exceed 100% of the basic cash assistance in 2021, plus 10%. For the state fiscal year commencing July 1, 2024, and each state fiscal year thereafter, the act requires the amount of the basic cash assistance grant to equal or exceed the amount of basic cash assistance for the previous state fiscal year plus a 2% cost of living adjustment or a cost of living adjustment that is equal to the average of the federal social security administration's cost of living adjustment for that fiscal year plus the previous 2 fiscal years, whichever is greater.

On July 1, 2022, the act requires the state treasurer to transfer \$21.5 million from the economic recovery and relief cash fund (cash fund) to the Colorado long-term works reserve to cover any increase in basic cash assistance above the amount of basic cash assistance in state fiscal year 2021-22. Beginning in state fiscal year 2023-24, and each state fiscal year thereafter, the act requires the state department to first expend any money remaining that is transferred to the Colorado long-term works reserve from the cash fund. The state department shall then expend money in an amount equal to one-third of the amount necessary to cover any such increase from available "Temporary Assistance for Needy Families" (TANF) funds, and an amount equal to two-thirds of the amount necessary to cover any such increase that the general assembly appropriates to the state department from the state general fund or any other available fund.

If the total statewide county TANF reserve falls below 15% of the county block grant amount, the act requires the general assembly to appropriate money from the Colorado long-term works reserve to the county block grant until the balance of the total statewide TANF reserve exceeds 15% or until the Colorado long-term works reserve falls below 25% of the state block grant amount. If the Colorado long-term works reserve falls below 25% of the state block grant amount and the total statewide county TANF reserve exceeds 15% of the county block grant amount, the act requires counties to fund the TANF program from available TANF funds until the total statewide county TANF reserve falls below 15% of the county block grant amount.

The act strongly encourages a county department to contact each participant using each method of communication provided by the participant in order to conduct exit and follow-up interviews upon case closure. The act expands the purpose of the exit and follow-up interviews to include evaluating the participant's experience with the works program, how well the program met the participant's needs and assisted the participant in meeting the participant's goals, and informing the state department of any changes to rules that are needed to improve the participant's experience.

Beginning January 2023, and each January thereafter, the state department is required to submit a report to the general assembly on the effectiveness of the works program.

Current law requires the state board to promulgate rules that require a percentage reduction in the basic cash assistance grant upon the imposition of a sanction affecting the grant, with the percentage to be specified in the rules but not to be less than 25%. The act requires the percentage not to exceed one dollar.

The act requires the works allocation committee to review, at least quarterly, the balance of the Colorado long-term works reserve, the balance of the total statewide county TANF reserve, and the amount of basic cash assistance grants provided to participants to monitor whether the reserves will fall below specified amounts.

The act authorizes a county department that is projected to exhaust all money available in the county's TANF reserve and faces a local or statewide natural disaster or other emergency to request money from the county block grant support fund.

No later than September 30, 2022, the act requires the state department to develop an outreach and engagement plan to promote access to the works program for eligible persons.

The act appropriates:

- \$3,500,00 from the economic recovery and relief cash fund to the department of human services for use by the office of economic security;
- \$9,849,303 from the Colorado long-term works reserve to the department of human services; and
- \$1,066,400 to the office of the governor for use by the office of information technology.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

H.B. 22-1334 Food distribution program - administrative fee. Under current law, the department of human services (state department) may charge an administrative fee to an agency that receives commodities through a food distribution program on a monthly basis. The act changes this to allow the state department to collect an administrative fee at least once every calendar year or when an agency's account balance reaches \$100 or more.

APPROVED by Governor April 25, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1360 Federal child support incentive payments - retaining for information technology enhancements to the automated child support enforcement system - report. At the end of federal fiscal year 2023, the act removes the requirement that the department of human services (state department) pass through 100% of the federal child support incentive payments received by the state to county departments of human or social services. Beginning in federal fiscal year 2024, the state board of human services, by rule, shall determine whether the state department may retain a percentage of the federal incentives the state receives for the purposes of information technology enhancements to the automated child

support enforcement system and how to use the retained amount.

Beginning July 1, 2025, the act requires the state department to report on each project funded by the federal incentive money the state retained to the joint technology committee of the general assembly.

APPROVED by Governor June 3, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1364 Food pantry assistance grant program - appropriation. The food pantry assistance grant program is set to repeal on June 30, 2023. The act extends the food pantry assistance grant program through July 1, 2024.

For the 2022-23 state fiscal year, the act appropriates \$3 million from the general fund to be used for the purchase of Colorado agricultural products and agricultural products that hold cultural significance for indigenous first nations people, or for other cultures or subcultural groups, including the ways in which those agricultural products are produced.

The act allows up to \$100,000 annually of the appropriation to be used to hire a nonprofit entity to provide technical assistance to a grant recipient to train food pantries and assist in the location and purchase of Colorado agricultural products.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

H.B. 22-1374 Youth in foster care - identification of goals - fostering educational opportunities - program - contracts with school districts - reports - appropriations. The act requires the department of education to identify specific goals for its foster care education initiative to improve the educational attainment of youth in foster care. The act also requires the department of education to report specified data on annual improvement of the educational attainment of youth in foster care to specified committees of the general assembly.

The act creates the fostering educational opportunities for youth in foster care program (program) in the department of human services (department), modeled after an existing program in Jefferson county. Under the program, the department shall contract with at least 2 and to up to 5 additional school districts to monitor youth in foster care enrolled in the districts. The act also requires the department to annually report to specified committees of the general assembly on the program.

The act appropriates from the general fund \$210,677 to the department of education and \$563,568 to the department.

APPROVED by Governor May 31, 2022

EFFECTIVE May 31, 2022

H.B. 22-1380 Program services for low-income households - work management system - supplemental nutrition assistance program (SNAP) - medicaid - Colorado works - low-income energy assistance program (LEAP) - community food access program - small

food business recovery and resilience grant program - advisory committee - rules - appropriations. Beginning July 1, 2022, the act requires the department of human services to work in partnership with counties towards implementation of a high-quality county work management system across all counties to interface with the Colorado benefits management system used to process and approve applications for essential state public assistance programs, such as the supplemental nutrition assistance program (SNAP), medicaid, and Colorado works. Eligibility and enrollment for SNAP and LEAP are integrated to increase access and efficiency.

A community food access program (food program) is created in the department of agriculture (department). The purpose of the food program is to improve access to and lower prices for healthy foods in low-income and underserved areas of the state by supporting small food retailers. As part of the food program, the department shall create a community food consortium (consortium) for small food retailers and Colorado-owned and Colorado-operated farms. The small food business recovery and resilience grant program (grant program) is established, to be overseen by the food program. An advisory committee is established to assist the department with the grant program. One-time grants not to exceed \$25,000 will be provided to small food retailers to help support infrastructure and other necessary items to make fresh, healthy food more accessible to low-income and underserved communities. The department is granted authority to promulgate rules as necessary to implement the food program.

The department shall develop a strategy for outreach to Colorado-owned and Colorado-operated farms, food retailers, and small farms that are interested in participating in the consortium or grant program.

The food program is repealed, effective September 1, 2027.

For the 2022-23 state fiscal year, the following appropriations are made from the economic recovery and relief cash fund:

- \$3 million to the department of human services for use by administration and finance for IT systems interoperability;
- \$2 million to the department of human services for use by the office of economic security for fuel assistance payments related to food and energy assistance;
- \$1 million to the department of human services for use by the office of economic security for electronic benefits transfer programming related to food and energy assistance;
- \$1 million to the department of agriculture to implement the community food access program; and
- \$7 million to the department of agriculture to implement the small food business recovery and resilience grant program and outreach.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

INSURANCE

S.B. 22-40 Actuarial reviews of proposed health-care legislation - division to contract with third parties - appropriation. The act requires the division of insurance (division), on or before November 1, 2022, to retain by contract one or more entities that have experience in actuarial reviews, health-care policy, and health equity (contractors) for the purpose of performing actuarial reviews of legislative proposals that may impose a new health benefit coverage mandate on health benefit plans or reduce or eliminate coverage mandated under health benefit plans. The contractors, under the direction of the division, shall conduct an actuarial review of up to 6 such legislative proposals for each regular legislative session as follows:

- Up to 2 members of the majority party of the house of representatives may submit a request for an actuarial review;
- One member of the minority party of the house of representatives may submit up to one request for an actuarial review;
- Up to two members of the majority party of the senate may submit a request for an actuarial review; and
- One member of the minority party of the senate may submit up to one request for an actuarial review.

Each actuarial review performed by the contractors must consider the predicted effects of the legislative proposal during the 5 and 10 years immediately following the effective date of the proposed legislation, or during another time period following the effective date if such consideration is more actuarially feasible, including specifically described considerations.

A request for an actuarial review and the final report resulting from such a request must be treated as confidential except by the member of the general assembly who made the request until the legislative proposal that is the subject of the actuarial review is introduced in the regular legislative session following the submission of the request for the actuarial review or, if no such legislative proposal is introduced, until after the end of the legislative session following the submission of the request.

The division may not engage any contractor to perform an actuarial review unless the division determines that there are adequate resources available within existing appropriations to compensate the contractor for the actuarial review.

In preparing a fiscal note for any legislative proposal that may impose a new health benefit mandate on health benefit plans, the legislative service agency charged with preparing the fiscal note shall include a statement that a report has been prepared by the contractors for the legislative proposal and an indication of how the report may be obtained in its entirety.

The act is repealed, effective November 1, 2027.

For the 2022-23 state fiscal year, the act appropriates \$100,000 from the division of insurance cash fund to the department of regulatory agencies for use by the division of insurance as follows:

- \$50,000 for personal services; and

- \$50,000 for operating expenses.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

S.B. 22-81 Colorado health benefit exchange - consumer outreach campaign - tax credits - report - repeal. The act requires the board of directors (board) of the Colorado health benefit exchange (exchange) to create and implement a consumer outreach campaign (campaign) to educate consumers regarding options for health-care coverage.

To pay for the campaign, the amount of the tax credits that the commissioner of insurance is allowed to allocate to insurers that contribute to the exchange increases from \$5 million to \$9 million for a 6-year period.

The board is required to annually report its progress and accounting to the Colorado health insurance exchange oversight committee at the committee's first meeting of the calendar year starting in 2024. The requirements of the act repeal on December 31, 2028.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1008 Health benefit plans - fertility services coverage implementation - large employer plans - individual and small group plans - mandatory coverage. With respect to mandatory coverage for fertility diagnosis and treatment and fertility preservation services (fertility services) under health benefit plans, the act requires large employer health benefit plans issued or renewed in this state on or after January 1, 2023, to cover fertility services and requires the division of insurance to implement the coverage requirement.

In addition, for individual and small group policies and contracts, the act requires coverage for fertility services under individual and small group policies and contracts issued or renewed in this state 12 months after the federal department of health and human services determines that coverage for fertility services does not require defrayal by the state, and requires the division to implement the fertility services coverage requirement once effective.

APPROVED by Governor April 13, 2022

EFFECTIVE April 13, 2022

H.B. 22-1089 Motor vehicle insurance - insurance against damages caused by uninsured motorists - transportation network companies required to provide coverage. Current law requires a transportation network company or its drivers to secure primary liability insurance coverage for the drivers for incidents involving the drivers during prearranged rides and for periods when a driver is logged into a transportation network company's digital network but not engaged in a prearranged ride. Section 1 of the act requires a transportation network company or its drivers to also secure insurance protection for drivers and for their riders against damages caused by uninsured motorists in the amounts of at least \$200,000 per person and \$400,000 per occurrence. The insurance policy must provide coverage to drivers and riders at all times the driver is engaged in a prearranged ride.

Current law requires automobile liability and motor vehicle liability policies to

provide coverage for damages caused by uninsured motorists; except that the named insured may reject such coverage in writing. Section 2 provides that, if the named insured is a transportation network company securing coverage for a transportation network company driver to protect against damages caused by uninsured motorists, the named insured may not reject the coverage for periods when the transportation network company driver is engaged in a prearranged ride.

APPROVED by Governor May 17, 2022

EFFECTIVE May 17, 2022

H.B. 22-1111 Property and casualty insurance - requirements for homeowners policies in cases of total losses resulting from declared wildfire disasters - appropriation. The act establishes new coverage requirements for homeowners insurance policies issued or renewed in Colorado, which requirements apply in the event of a total loss of an owner-occupied residence as a result of a wildfire disaster that is declared by the governor.

The act also establishes new requirements for insurers who issue or renew homeowners insurance policies, which requirements concern an insurer's handling of policy claims after such a total loss occurs.

For the 2022-23 state fiscal year, the act appropriates \$66,781 from the division of insurance cash fund to the department of regulatory agencies for use by the division of insurance as follows:

- \$59,231 for personal services; and
- \$7,550 for operating expenses.

APPROVED by Governor June 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1122 Federal prescription drug price discount program - prohibited acts by third-party payers - unfair or deceptive practice - rules - appropriation. The act enacts the "Colorado 340B Prescription Drug Program Anti-discrimination Act" (act), which prohibits health insurers, PBMs, and other third-party payers (third-party payers) from discriminating against entities participating in the federal 340B drug pricing program (340B covered entity), including a pharmacy that contracts with a 340B covered entity to provide dispensing services to the 340B entity (contract pharmacy). Specifically, the act prohibits a third-party payer from:

- Refusing to reimburse a 340B covered entity or contract pharmacy for dispensing 340B drugs, imposing additional requirements or restrictions on 340B covered entities or contract pharmacies, or reimbursing a 340B covered entity or contract pharmacy for a 340B drug at a rate lower than the amount paid for the same drug to pharmacies that are not 340B covered entities or contract pharmacies;
- Assessing a fee, charge back, or other adjustment against a 340B covered entity or contract pharmacy, or restricting a 340B covered entity's or contract pharmacy's access to the third-party payer's pharmacy network, because the 340B covered entity or contract pharmacy participates in the 340B drug

- pricing program;
- Requiring a 340B covered entity or contract pharmacy to contract with a specific pharmacy or health coverage plan in order to access the third-party payer's pharmacy network;
- Imposing a restriction or an additional charge on a patient who obtains a prescription drug from a 340B covered entity or contract pharmacy;
- Restricting the methods by which a 340B covered entity or contract pharmacy may dispense or deliver 340B drugs; or
- Requiring a claim for a 340B drug to include a modifier or other method of identifying the claim for a 340B drug.

A violation of the act is an unfair or deceptive act or practice in the business of insurance. The act authorizes the commissioner of insurance to adopt rules to implement the act.

The act appropriates \$17,109 from the division of insurance cash fund to the department of regulatory agencies for use by the division of insurance to implement the act.

APPROVED by Governor June 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1228 Regulation of preneed funeral contracts - continuation under sunset law - sellers of preneed funeral contracts - removal of surety bond requirements - commission authority to investigate - licensing fees to be determined by the commission of insurance - disposition of unclaimed money held in a preneed funeral trust - required funeral establishment disclosures. The act implements the recommendations of the department of regulatory agencies, as contained in the department's sunset review of preneed funeral contracts, as follows:

- Continues the regulation of preneed funeral contracts for 7 years, to September 1, 2029;
- Removes from statute the surety bond or net worth requirements for an applicant for a license to sell preneed funeral contracts and requires the commissioner of insurance (commissioner) to establish the requirements in rule;
- Allows the commissioner to investigate the books, records, and accounts of a contract seller without the requirement that the commissioner first receive a complaint or indication of noncompliance;
- Removes the fees for license renewal from statute and requires the commissioner to establish the fees in rule based on the cost of regulating the industry and the outstanding preneed contract obligations of the contract sellers;
- Declares money held in trust for a preneed contract is unclaimed and must be reported to the state treasurer for deposit into the unclaimed property trust fund at the earlier of: 3 years after the date on which the contract seller has knowledge of the death of the preneed contract beneficiary; the date the preneed contract beneficiary, if living, would have attained 115 years of age; or 65 years from the date that the preneed contract was executed; and
- Requires each funeral establishment, at the time of registration renewal, to

attest to whether the funeral establishment sells preneed contracts and requires the director of the division of professions and occupations to enter into a memorandum of understanding with the commissioner to share information on funeral establishments that sell preneed contracts.

APPROVED by Governor June 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1264 Health insurance - references to FDA. The act strikes references to the federal food and drug administration in the health insurance code and replaces the references with the term "FDA", which is defined for the entire code to mean the federal food and drug administration.

APPROVED by Governor April 25, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1269 Health-care cost sharing arrangements - required annual reporting to commissioner of insurance - commissioner to publish summarized information - penalties for noncompliance - rules - appropriation. Starting October 1, 2022, and by each March 1 thereafter, the act requires any person that is not authorized to engage in the business of insurance in this state but that offers or intends to offer a plan or arrangement to facilitate payment or reimbursement of health-care costs or services for Colorado residents to annually submit to the commissioner of insurance (commissioner) specified information and a certification that the information is accurate and complies with the requirements of the act. The submission must include information about the operation of the plan or arrangement in this state in the immediately preceding calendar year, including:

- The number of participants in the plan or arrangement and, if the person offers a plan or arrangement in other states, the total number of participants nationally;
- Any contracts the person has entered into with providers that provide health-care services to plan or arrangement participants;
- The total amount of fees, dues, or other payments collected from participants and the percentage of fees, dues, or other payments that the person retained;
- The total dollar amount of requests for reimbursement of health-care services submitted by participants or providers, the total dollar amount of requests for reimbursement that were determined to qualify for reimbursement, and the total dollar amount of requests for reimbursement that were denied;
- The total amount of payments made to providers or to reimburse participants for health-care services provided or received and the total amount of requests determined to qualify for reimbursement but not yet reimbursed as of the end of the preceding calendar year;
- The estimated number of participants the person anticipates in the next calendar year;
- The counties in which the person offers or intends to offer a plan or arrangement and any other states in which the person offers a plan or

- arrangement;
- A list of third parties associated with, or offering or enrolling participants in a plan or arrangement on behalf of, the person and a detailed accounting of commissions or other remuneration paid to a third party for services provided in promoting or administering the plan or arrangement;
- The total number of insurance brokers that are associated with or assist the person in offering or enrolling participants in the plan or arrangement, the total number of participants enrolled in the plan or arrangement through a broker, copies of training materials provided to a broker, and a detailed accounting of commissions or other remuneration paid to a producer for marketing, promoting, and enrolling participants in a plan or arrangement; and
- Contact information for an individual serving as the person's contact person in this state, a list of the person's officers and directors, and the person's organizational chart.

Within 45 days after receipt, the commissioner is to determine whether a submission by a person is complete. Each year, the commissioner is to compile a report summarizing the information submitted by persons and post the report on the division of insurance (division) website. The commissioner is authorized to adopt rules to implement the act.

If the commissioner determines that a person has failed to comply with the submission requirements, the commissioner must notify the person of the deficiency and allow the person 30 days to correct the deficiency. If a person fails to timely correct the deficiency, the commissioner may impose a fine not to exceed \$5,000 per day, and if the person fails to correct the deficiency within 30 days after the initial fine is imposed, the commissioner may issue an emergency cease-and-desist order against the person.

The act appropriates \$84,568 from the division of insurance cash fund to the department of regulatory agencies to implement the act as follows:

- \$39,097 for use by the division for personal services;
- \$6,875 for use by the division for operating expenses;
- \$19,714 for legal services, which amount is reappropriated to the department of law to provide the legal services; and
- \$18,882 for information technology services, which amount is reappropriated to the office of information technology in the office of the governor to provide information technology services.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

H.B. 22-1284 Health insurance - state surprise billing laws - alignment with federal law - independent external review - payments for health-care services - emergency services - post-stabilization services - consumer disclosures - ancillary services - work group to streamline implementation - cost-sharing amounts - arbitration of claims - managed care plans - continuing care patients - balance-billing - rules - appropriations. The act changes current state law to align with the federal "No Surprises Act" (federal act) by:

- Allowing a covered person who requests an independent external review of a health-care coverage decision to request a review to determine if the services that were provided or may be provided by an out-of-network provider or facility are subject to an in-network benefit level of coverage;

- Requiring that payments made for health-care services provided at an in-network facility or by an out-of-network provider be applied to the covered person's in-network deductible and any out-of-pocket maximum amounts as if the services were provided by an in-network provider;
- Requiring that emergency health-care services, regardless of the facility at which they are provided, be covered at the in-network benefit level;
- Requiring each health insurance carrier (carrier) to cover post-stabilization services to stabilize a patient after a medical emergency at the in-network benefit level;
- Requiring carriers to develop disclosures to provide to covered persons that comply with the act;
- Requiring the commissioner of insurance (commissioner) and certain regulators of health-care occupations to adopt rules concerning disclosure requirements, including a list of ancillary services for which a provider or facility cannot charge a balance bill;
- Requiring the commissioner to convene a work group to facilitate and streamline the implementation of the payment of claims for services provided by an out-of-network provider at an in-network facility and for services surrounding a medical emergency;
- Prohibiting a carrier from recalculating a covered person's cost-sharing amount based on an additional payment made as a result of arbitration;
- Requiring the parties to an arbitration over health-care coverage to split the costs of the arbitrator if the parties reach an agreement before the final decision of the arbitrator;
- Authorizing the commissioner to promulgate rules to implement the requirements of the act, including rules necessary to implement the requirements of the federal act;
- Changing the amount of time that a managed care plan must allow a person to continue to receive care from a provider from 60 after the date an in-network provider is terminated from a plan without cause to up to 90 days after a carrier provides notice that the contract is terminated;
- Implementing specific requirements for health-care coverage and services for covered persons who are continuing care patients of a provider or facility whose contract with the patient's health insurer is terminated;
- Authorizing the regulator of health-care providers, in consultation with the commissioner, to adopt rules concerning consumer disclosures;
- Allowing an out-of-network provider and an out-of-network facility to charge a covered person a balance bill for health-care services other than ancillary services if the out-of-network provider complies with specific notice requirements and obtains the covered person's signed consent; and
- Requiring a carrier offering an individual health benefit plan or short-term limited duration health insurance policy to make consumer disclosures.

The act changes from January 1 to March 1 the date by which a carrier is required to submit information to the commissioner concerning the use of out-of-network providers and out-of-network facilities and the impact on health insurance premiums for consumers.

\$233,018 is appropriated from the division of insurance cash fund to the department of regulatory agencies for use in the 2022-23 state fiscal year for personal services, operating expenses, and to purchase legal services, and of that amount, \$88,713 is reappropriated to the department of law to provide legal services for the department of regulatory agencies.

\$7,506 is appropriated from the health facilities general licensure cash fund to the department of public health and environment for use in the 2022-23 state fiscal year by health facilities and emergency medical services division to implement the act.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1325 Health insurance - primary care - alternative payment models parameters - development by division of insurance - parameter requirements - carrier requirements - primary care payment reform collaborative - all-payer health claims database - appropriation. The act requires the division of insurance (division) to collaborate with the department of health care policy and financing, the department of personnel, the department of public health and environment, and the primary care payment reform collaborative (collaborative) to develop and promulgate rules for alternative payment model parameters for primary care services offered through health benefit plans.

The alternative payment model parameters must:

- Include transparent risk adjustment parameters that ensure that primary care providers are not penalized for or disincentivized from accepting vulnerable, high-risk patients and are rewarded for caring for patients with more severe or complex health conditions and patients who have inadequate access to affordable housing, healthy food, or other social determinants of health;
- Utilize patient attribution methodologies that are transparent and reattribute patients on a regular basis, which must ensure that population-based payments are made to a patient's primary care provider rather than other providers who may only offer sporadic primary care services to the patient and include a process for correcting misattribution that minimizes the administrative burden on providers and patients;
- Include a set of core competencies around whole-person care delivery that primary care providers should incorporate in practice transformation efforts to take full advantage of various types of alternative payment models; and
- Require an aligned quality measure set that considers the quality measures and the types of quality reporting that carriers and providers are engaging in under current state and federal law and includes quality measures that are patient-centered and patient-informed and address: Pediatric, perinatal, and other critical populations; the prevention, treatment, and management of chronic diseases; and the screening for and treatment of behavioral health conditions.

For health-care plans that are issued or renewed on or after January 1, 2025, each carrier must ensure that the carrier's alternative payment models for primary care incorporate the aligned alternative payment model parameters created by the division.

By December 1, 2023, the commissioner of insurance must promulgate rules detailing the requirements for alternative payment model parameters alignment. The division shall allow carriers the flexibility to determine which network providers and products are best suited to achieve the goals and incentives set by the division.

Once the division has 5 years of data, the division is required to analyze the data, produce a report on the data, and present the findings to the general assembly during the department of regulatory agencies' presentation to legislative committees at hearings held pursuant to the "SMART Act".

To assist carriers with implementing primary care alternative payment models, the division is required to retain a third-party contractor to design an evaluation plan for such implementation and retain a third-party contractor to provide technical assistance to carriers.

With regard to the collaborative, the act:

- Requires the collaborative to annually review the alternative payment models developed by the division and provide the division with recommendations on the models; and
- Adjusts the date on which the collaborative must deliver its annual reports.

With regard to the all-payer health claims database, the act:

- Requires the administrator to include in the annual primary care spending report data related to the aligned quality measure set determined by the division; and
- Adjusts the date on which the annual reports are due.

For the 2022-23 state fiscal year, \$56,328 is appropriated to the department of personnel from the general fund for use by the division of human resources to implement the act.

APPROVED by Governor May 18, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1370 Health insurance - prescription drugs - copayment-only health benefit plans - drug formulary modifications - step therapy - rebates - study - department of health care policy and financing rebate analysis - appropriation. Beginning in 2023, the act requires each health insurance carrier (carrier) that offers an individual or small group health benefit plan in this state to offer at least 25% of its health benefit plans on the Colorado health benefit exchange (exchange) and at least 25% of its plans not on the exchange in each bronze, silver, gold, and platinum benefit level in each service area as copayment-only payment structures for all prescription drug cost tiers.

Starting in 2024, a carrier or, if a carrier uses a pharmacy benefit manager (PBM) for claims processing services or other prescription drug or device services under a health benefit plan offered by the carrier in the individual market, the PBM, or a representative of the carrier or the PBM, is prohibited from modifying or applying a modification to the current prescription drug formulary during the current plan year.

The act repeals and reenacts the current requirements for step therapy and requires a carrier to use clinical review criteria to establish the step-therapy protocol.

For each health benefit plan issued or renewed on or after January 1, 2024, the bill

requires each carrier or PBM to demonstrate to the division of insurance that:

- 100% of the estimated rebates received or to be received in connection with dispensing or administering prescription drugs included in the carrier's prescription drug formulary are used to reduce costs;
- For small group and large employer health benefit plans, all rebates are used to reduce employer or individual employee costs; and
- For individual health benefit plans, all rebates are used to reduce consumers' premiums and out-of-pocket costs for prescription drugs and that health insurers will maximize the use of rebates to reduce consumer costs.

The act requires the division of insurance to conduct and complete a study to evaluate how rebates may be applied in the individual market to reduce consumers' costs.

The act requires health insurers to annually report:

- Data demonstrating that discounts and rebates received are used to reduce costs for policyholders; and
- An actuarial certification attesting that the health insurer and PBM are compliant with the law and that the data submitted to the division is accurate.

The act requires the commissioner of insurance (commissioner) to promulgate rules to implement the rebate requirements in the act.

Beginning in 2023, the act requires the department of health care policy and financing, in collaboration with the administrator of the all-payer claims database, to conduct an annual analysis of the prescription drug rebates received in the previous calendar year, by carrier and prescription drug tier, and make the analysis available to the public.

For the 2022-23 state fiscal year, \$252,667 is appropriated from the division of insurance cash fund to the department of regulatory agencies for use by the division of insurance to implement the act.

APPROVED by Governor May 18, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1398 Regulation of insurance companies - appointment of registered agent to receive service of process - when process may be made on commissioner. Under current law, with certain exceptions, an insurance company that is formed by authority of any other state or government (foreign insurance company) may not transact business in Colorado until it has first appointed, in writing, the commissioner of insurance (commissioner) to be the true and lawful attorney of the company in and for Colorado, upon whom all lawful process in any action or proceeding against the company may be served with the same effect as if the company existed in Colorado. However, an insurance company that maintains a home office or regional home office in Colorado is not subject to this requirement but must instead file with the commissioner the name of a person designated to receive service of process.

The act removes the requirement that a foreign insurance company appoint the

commissioner as its lawful attorney for receipt of service of process and instead requires each insurance company to designate a registered agent for receipt of service of process, regardless of whether the insurance company maintains a home office or regional home office in Colorado. However, service of process may be made on the commissioner if:

- An insurance company fails to appoint or maintain a registered agent as required;
- An insurance company's registered agent cannot be found with reasonable diligence; or
- An insurance company's certificate of authority is revoked.

If an individual reasonably relies on the list of registered agents maintained by the commissioner and serves otherwise valid process on the registered agent of an insurance company so designated in the list, and it is later determined that the registered agent listed by the commissioner is not the correct registered agent properly designated by the company, then:

- The individual may serve process upon the commissioner; and
- If the individual uses due diligence to serve the commissioner, the applicable statute of limitations is tolled for the period of time beginning when the incorrect registered agent received service of process and ending when the commissioner receives service of process.

APPROVED by Governor May 27, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

LABOR AND INDUSTRY

S.B. 22-35 Occupational accident insurance - independent contractors of carriers - required coverage - definitions. Under current law, common carriers and contract carriers may use independent contractors for transportation services. The contract must provide for coverage under either workers' compensation or an occupational accident insurance policy that provides "similar coverage" to that available under workers' compensation. "Similar coverage" must meet or exceed standards set by the division of insurance and is defined to require benefits that are at least comparable to the benefits offered under the workers' compensation system.

The act changes the definition of "similar coverage" to an occupational accident insurance policy that provides a minimum aggregate policy limit of \$1,500,000 for all benefits paid for the benefit of the operator. The act also defines "commercial vehicle" and "operator" for the purpose of occupational accident insurance required by independent contractors of carriers.

APPROVED by Governor May 17, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-97 Workplace safety - whistleblower protections - appropriations. Current law provides whistleblower protections for workers who raise a reasonable concern about health or safety related to a public health emergency. The act expands the protection to all health and safety concerns regardless of whether there is a declared public health emergency.

To implement the act, the act appropriates:

- \$417,629 to the department of labor and employment, of which \$386,579 is for use by the division of labor standards and statistics and \$31,050 is for the purchase of legal services;
- \$228,499 to the department of personnel, of which \$125,000 is for use by the division of human resources for liability claims and \$103,499 is for the purchase of legal services; and
- \$134,549 to the department of law, reappropriated from the department of labor and employment and the department of personnel.

APPROVED by Governor May 31, 2022

EFFECTIVE May 31, 2022

S.B. 22-140 Experiential learning - work-based learning incentive program created - department of labor and employment - data compilation - report - work-based learning intermediaries - selection - responsibilities - office of future work - statewide digital navigator program created - office of new Americans - virtual, career-aligned English as a second language program created - global talent task force created - appropriations. The act requires, on or before January 1, 2023, the department of labor and employment (department), in partnership with the business experiential-learning commission in the department, the office of economic development, the state work force development council,

local district colleges, the departments of education and higher education, the state board for community colleges and occupational education, and area technical colleges, to provide incentives to eligible employers to create high-quality, work-based learning opportunities for adults and youth (incentive program).

The department is required to select at least 2 work-based learning intermediaries (intermediaries) to coordinate employers, schools, youth, and adults participating in the incentive program to establish work-based learning opportunities and select employers to participate in the incentive program.

The department is required to provide monetary incentives to the selected intermediaries and employers for the implementation of work-based learning opportunities. The department is required to compile data concerning the incentive program and submit a report to the business committees of the senate and house of representatives during the "SMART Act" hearings held each legislative session.

On or before January 1, 2023, the office of future work in the department and its partners are required to create a digital navigation program and employ digital navigators to:

- Reach out to youth and adults who have been historically excluded or disengaged from work-based learning opportunities and connect them with available opportunities;
- Address digital inequities, including access to digital technology and computer and technology skills training, cybersecurity, and affordable internet service;
- Refer youth and adults to career navigation services; and
- Provide a one-stop service that includes: Making referrals to work-based learning programs; facilitating enrollment in digital literacy classes, workshops, and upskilling and work-based learning opportunities; and assisting with digital skill development, job applications, and access to other benefits and services.

The act authorizes the executive director of the department to promulgate rules to implement the incentive program and the digital navigation program.

The office of new Americans in the department is required to:

- By September 1, 2022, convene a global talent task force to study the pathways for obtaining certain in-demand occupational licenses, look at international credentials, and take advantage of the global pool of skilled workers; and
- By January 1, 2023, establish a virtual, career-aligned English as a second language program to provide tools for new Americans and English language learners to enter into work-based learning programs to improve language and skills development for specific occupations and careers.

\$6,100,000 is appropriated from the general fund to the department for use in the 2022-23 state fiscal year for:

- State operations and program costs;
- The office of future work; and

- The office of new Americans.

If the department does not expend the appropriated amount by July 1, 2023, the money is further appropriated to the department for use in the 2023-24 state fiscal year.

\$11,319 is appropriated from the general fund to the legislative department for use by the general assembly.

APPROVED by Governor June 3, 2022

EFFECTIVE July 1, 2022

S.B. 22-161 Wage theft - employee misclassification - enforcement and remedies - worker and employee protection unit in department of law - appropriation. The act updates and modifies laws pertaining to the payment of wages and employee misclassification, and the enforcement procedures and remedies for violations of those laws, as follows:

- Changes the penalties for failure to provide requested information to the division of labor standards and statistics in the department of labor and employment (DLSS) or for hindering or obstructing the director of the DLSS or other person authorized by the director in accessing an employer's premises from a misdemeanor criminal offense to a daily penalty of not less than \$50 (sections 1 and 2 of the act);
- Directs the DLSS to transmit penalties it imposes to the wage theft enforcement fund (sections 1 through 5 and 10);
- Requires an employer to: Provide notice to an employee, within 10 days after the employment terminates, before deducting from wages or compensation any amount of money or property the employee failed to return or repay upon termination of employment and pay the employee the deducted amount within 14 days after the employee returns or repays the money or property if the employee did so within 14 days after notice is provided (section 6);
- Imposes automatic penalties of the greater of 2 times the amount of the unpaid wages or \$1,000 on an employer that fails to pay all past-due wages within 14 days after a written demand or civil or administrative action for the past-due wages is sent to or served on the employer. If an employee shows that the employer's failure or refusal to pay wages was willful, the employer is subject to penalties equal to the greater of 3 times the amount of unpaid wages or \$3,000. The act further states that an employer's second or subsequent failure or refusal to pay wages of the same or similar type within the 5 years preceding a claim is considered per se willful (section 7).
- If an employer makes a full legal tender of all amounts demanded in good faith within 14 days after a written demand is sent or an administrative claim or civil action is sent or served, the employee is required to dismiss the action (section 7);
- Eliminates the authority of a court to award an employer reasonable attorney fees and costs in an action in which the employee claimed wages in excess of the greater of \$7,500 or the jurisdictional limit for small claims court and the employee does not recover an amount greater than the amount the employer tendered and instead permits a court to award an employer reasonable attorney fees and costs if, within 14 days after a written demand is sent or a civil action is served, the employer makes full legal tender of all amounts demanded in good faith for all employees and the employees ultimately fail to recover a

- total sum that is greater than the amount tendered (section 8);
- Allows the DLSS to award an employee reasonable costs incurred in an administrative claim when the employee recovers a sum that is greater than the amount the employer tendered, and, if the employee recovers more than \$5,000 in unpaid wages, allows the DLSS to also award the employee attorney fees (section 8);
- Allows the director of the DLSS to use existing authority under labor laws to gather information pertinent to wage claims from employers, employees, and other persons or entities (section 9);
- Allows recovery of attorney fees, an additional fine of 50% of the amount of past-due wages, and a penalty of the greater of 50% of past-due wages or \$3,000 from an employer that fails to pay an employee past-due wages within 60 days after the determination in favor of the employee (section 9);
- For a citation, notice of assessment, or order issued against an employer on or after January 1, 2023, requires the DLSS, upon request of an employee, to file a certified copy of the citation, notice, or order with the appropriate clerk of court, after which the clerk is required to enter the citation, notice, or order as a judgment of the court, and the judgment is sufficient to support the issuance of writs of garnishment if the judgment is wholly or partially unsatisfied (section 10);
- On or after January 1, 2023, authorizes the DLSS, either on its own initiative or within 60 days after receiving a written request from an employee, to issue a notice of administrative lien and levy, similar to a child support enforcement lien, when an employer fails to pay past-due wages, fines, or penalties, which lien attaches to the employer's real or personal property that is in the possession, custody, or control of another person (section 10);
- Allows an employee who alleges that the employee's employer discriminated or retaliated against the employee for filing or participating in a wage claim to file a civil action to seek relief, including back pay, reinstatement or front pay, payment of unlawfully withheld wages, interest on past-due wages, penalties, liquidated damages, injunctive relief, and attorney fees and costs. The DLSS, after an investigation of a discrimination or retaliation claim, may also order similar relief to an employee, other than attorney fees and costs (section 11).
- Establishes the worker and employee protection unit (unit) in the department of law to investigate and enforce wage theft and unemployment insurance and misclassification of employees claims under specified circumstances and requires the director of the DLSS to share with the unit any orders the director issued in the previous 12 months finding that an employer has misclassified employees (sections 12 through 15).

Section 16 appropriates \$345,069 to the department of labor and employment for the 2022-23 state fiscal year to implement the act as follows:

- \$314,019 for use by the DLSS for program costs, including an additional 3.4 FTE; and
- \$31,050 to purchase legal services, which amount is reappropriated to the department of law to provide legal services to the department of labor and employment.

Section 16 also appropriates \$95,200 to the department of law for the 2022-23 state fiscal year for use by consumer protection to implement the act, which amount assumes the

department will require an additional 0.8 FTE.

APPROVED by Governor June 3, 2022 **PORTIONS EFFECTIVE** August 10, 2022
PORTIONS EFFECTIVE January 1, 2023

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-210 Supplemental health-care staffing agencies - data collection concerning health-care worker wages and hospital contract rates - biannual reporting by staffing agencies - appropriation. The act requires supplemental health-care staffing agencies (staffing agencies) to complete initial and annual certification with the division of unemployment insurance in the department of labor and employment (department) prior to operating the staffing agency. A staffing agency that fails to comply with the certification requirements commits a civil infraction and may be assessed fines by the department. On or before September 1 of each year, the department of public health and environment and the department of health care policy and financing shall provide the department with a list of all known names of and the contact information for staffing agencies operating in the state.

No later than October 1, 2022, each staffing agency shall begin maintaining detailed data necessary for required reporting to the department that includes, in part:

- A detailed listing of the average amount charged during each quarter of the reporting period to a health-care facility for each category of health-care worker providing services to the health-care facility; and
- A detailed listing of the average amount paid during each quarter of the reporting period to health-care workers for their services for each category of health-care worker providing services;

Commencing April 30, 2023, each staffing agency shall submit biannual reports to the department with the required data. The act includes fines for staffing agencies that submit late or noncompliant biannual reports.

The department shall provide copies of the staffing agencies' biannual reports to the department of public health and environment and to the department of health care policy and financing for purposes of analyzing the information provided by the staffing agencies and determining the need for regulation of staffing agencies.

For the 2022-23 state fiscal year:

- \$427,591 is appropriated from the general fund to the department of labor and employment for use by the division of labor standards and statistics to implement the act. The appropriation is based on an assumption that the division will require an additional 2.0 FTE;
- \$39,358 is appropriated to the department of public health and environment for use by the health facilities and emergency medical services division for administration and operations and to purchase information technology services. The appropriation is based on an assumption that the division will require an additional 0.3 FTE.
- \$15,545 is appropriated to the office of the governor for use by the office of information technology to provide information technology services to the

department of public health and environment. This appropriation is from reappropriated funds received from the department of public health and environment.

APPROVED by Governor June 3, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-230 County employees - right to collectively bargain - participation in political process - rights of the exclusive representative of county employees - payroll deductions - powers of director of division of labor standards and statistics - administration - enforcement - certification of exclusive representative - determination of collective bargaining unit - dispute resolution process - unfair labor practices - appropriation. Beginning July 1, 2023, the act grants the public employees of a county with a population of 7,500 people or more (county employees) the right to:

- Organize, form, join, or assist an employee organization or refrain from doing so;
- Engage in collective bargaining;
- Engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection;
- Communicate with other county employees and with employee organization representatives and receive and distribute literature regarding employee organization issues; and
- Have an exclusive representative at formal discussions concerning a grievance, a personnel policy or practice, or any other condition of employment.

The act clarifies that county employees may participate fully in the political process.

Additionally, the act:

- Grants the exclusive representative of county employees the right to access county employees at work, through electronic communication, and through other means, including employee orientations;
- Requires counties to honor county employee authorizations for payroll deductions for the exclusive representative;
- Clarifies that specific rights of county employers are not impaired unless otherwise agreed to in a collective bargaining agreement;
- Clarifies that nothing in a collective bargaining agreement restricts or usurps the existing authority granted to county commissioners;
- Requires the director of the division of labor standards and statistics in the department of labor and employment (director) to enforce, interpret, apply, and administer the provisions of the act and, in doing so, to adopt rules, hold hearings, and impose administrative remedies;
- Authorizes the director or any party of interest to request a district court to enforce orders made pursuant to the act;
- Sets forth the process by which an employee organization is certified and decertified as the exclusive representative of county employees;
- Sets forth the process by which an appropriate bargaining unit is determined;

- and
- Requires the county and the exclusive representative to collectively bargain in good faith.

The act states that the collective bargaining agreement is an agreement negotiated between an exclusive representative and a county, with the approval of the board of county commissioners of the county, that must:

- Be for a term of at least 12 months and not more than 60 months; and
- Provide a grievance procedure that culminates in final and binding arbitration.

The act prohibits a collective bargaining agreement from:

- Delaying the prompt interviewing of county employees under investigation;
- Permitting a county employee to use paid time for a suspension from employment;
- Permitting the expungement of disciplinary records under certain circumstances; and
- Imposing limits on the period of time for which a county employee may be disciplined for incidents of violence.

The act describes the dispute resolution process that the exclusive representative and a county must follow if an impasse arises during the negotiation of a collective bargaining agreement.

The act sets forth the actions taken during the collective bargaining process by a county or an exclusive representative that are unfair labor practices.

To implement the act, \$326,092 is appropriated from the general fund to the department of labor and employment and from that appropriation, \$59,142 is reappropriated to the department of law to provide legal services for the department of labor and employment.

APPROVED by Governor May 27, 2022

PORTIONS EFFECTIVE July 1, 2022
PORTIONS EFFECTIVE July 1, 2023

S.B. 22-234 Unemployment compensation - division of unemployment insurance - authority to issue bonds - increase in partial unemployment benefits - repeal of one week waiting period - study on dependent allowance - recovery benefit grant program - mandatory disclosures - extension of solvency surcharge hold - repayment of federal advances - repayment of overpaid unemployment compensation. The act:

- Amends the existing authority of the division of unemployment insurance (division) to issue bonds by clarifying that the division may issue the bonds through the state treasurer and granting the division the authority to levy bond assessments;
- Makes a temporary increase in partial unemployment benefits provided in current law permanent;
- Repeals the requirement that an individual wait at least one week before becoming eligible for unemployment compensation. This repeal will take effect when the unemployment compensation fund reaches a balance of at

- least \$1 billion.
- Requires the division to study how to implement a dependent allowance for individuals receiving unemployment compensation.
- Requires the department of labor and employment to award grants to one or more third-party administrators for the purpose of providing recovery benefits to eligible individuals. The grants to the third-party administrators and the recovery benefits are funded through .00035 of the premium each employer is required to submit to the division.
- Provides that an individual is eligible to receive recovery benefits if the individual, regardless of the individual's immigration status: Separated from employment through no fault of the individual; received income from employment during a qualified base period or alternative base period; attests that the individual is not currently receiving any state-administered wage replacement assistance; is not eligible for state-administered wage replacement assistance for reasons related to the individual's authorization to work; and has a pay stub or form W-2 to verify the individual's employment and wage withholding.
- Requires an employer to provide an employee with certain information about unemployment compensation upon the employee's separation from employment;
- Extends the hold on an employer's solvency surcharge through calendar year 2023;
- Requires the state treasurer to transfer \$600 million to a newly created fund. The transfer is from money received by the state through the federal "American Rescue Plan Act of 2021". The money in the fund may be used only to repay the outstanding balance of federal advances provided to the state through the unemployment insurance trust fund and interest owed on the advances.
- Sets forth factors that the division must consider in determining whether the repayment of overpaid unemployment compensation benefits repayment would be inequitable.

APPROVED by Governor May 25, 2022

EFFECTIVE May 25, 2022

H.B. 22-1112 Workers' compensation - notice of injury by employee - employer responsibilities - notice of occupational disease. Current law requires an injured employee or someone else with knowledge of the injury to notify the employer within 4 days after the occurrence of an on-the-job injury, authorizes a reduction in compensation to the injured employee for failure to timely notify the employer, and tolls the 4-day period if the employer has failed to post a notice specifying the injured employee's notification deadline. The act changes the 4-day notice period to a 10-day notice period and prohibits a loss of compensation if the employer had actual notice of the injury or good cause is shown for the employee's failure to timely report the injury.

If an employer fails to provide a copy of the notice of the injury to the employee or fails to post the required notice to employees, the act specifies that the time period allotted to the employee to notify the employer of an injury is tolled for the duration of the failure.

The act also changes the notice that an employer is required to post in the workplace to require that the notice state the name of the insurer and that the:

- Employer is required to have and pay for workers' compensation insurance;
- Injured employee has rights under the law if the employer fails to carry workers' compensation insurance;
- Employee should notify employer if injured;
- Injury must be reported to the employer; and
- Employee may file a workers' compensation claim.

With regard to occupational diseases, the act also:

- Limits the ability of the director of the division of workers compensation to reduce compensation to an employee to circumstances where the employer does not have actual knowledge of the contraction of a disease or there is not good cause shown to provide timely notice of the disease; and
- Repeals the provision that states that an employer is deemed to waive a failure to give notice of an occupational disease or death resulting from the disease unless the employer objects at a hearing on the claim prior to any award or decision.

APPROVED by Governor March 24, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1193 Coal transition workforce assistance program account - transfer from account to just transition cash fund - authorized use of money in account and fund - appropriations. The act directs the state treasurer to transfer \$2 million from the coal transition workforce assistance program account (account) to the just transition cash fund (fund) on March 7, 2022, and directs the general assembly to appropriate \$150,000 from the fund to the department of higher education for allocation to the Colorado school of mines to expand the Carbon Ore, Rare Earth, and Critical Minerals Initiative for U.S. Basins (CORE-CM initiative) in the Greater Green river and Wind river basins.

Additionally, the act modifies the account as follows:

- Removes the requirement that the department of labor and employment (department) expend specified percentages of money in the account by specified fiscal years; and
- Removes the prioritization of account expenditures first for programs that directly support coal transition workers, thereby allowing the department to also expend money in the account for programs that support coal transition workers' family members and other household members.

The act also:

- Repeals the \$7,000,000 appropriation from the account to the department, made pursuant to House Bill 21-1290, concerning funding to provide just transition for coal transition workers and coal transition communities, for the 2020-21 state fiscal year;
- Appropriates from the account to the department, for the coal transition workforce assistance program, \$500,000 for the 2021-22 state fiscal year and \$2 million for the 2022-23 state fiscal year;

- Appropriates from the fund to the department, for authorized investments in just transition programs for communities, \$1,295,000 for the 2021-22 state fiscal year and \$555,000 for the 2022-23 state fiscal year; and
- Appropriates \$150,000 to the department of higher education for allocation to the Colorado school of mines to expand the CORE-CM initiative.

APPROVED by Governor March 7, 2022

EFFECTIVE March 7, 2022

H.B. 22-1230 Employment support and job retention services program - expansion - administration - report - appropriation. The act:

- Expands the definition of "service provider" in the employment support and job retention services program (program) to include faith-based organizations and churches, community centers, neighborhood organizations, food banks, outreach providers, and local entities that provide employment services to community members;
- Modifies the eligibility criteria for receiving services and the list of reimbursable services under the program;
- Appropriates \$250,000 annually from the general fund to the employment support and job retention services program cash fund;
- Extends the program until September 1, 2029; and
- Modifies the current reporting requirements to require the division of employment and training in the department of labor and employment to report on the efficacy of the program during the department's presentations at the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearings.

APPROVED by Governor May 16, 2022

EFFECTIVE July 1, 2022

H.B. 22-1262 Workers' compensation - fines for an employer's failure to carry insurance - continuation under sunset law. The act implements the recommendation of the department of regulatory agencies, as specified in the department's sunset review of the authority of the director of the division of workers' compensation to impose fines on an employer for a subsequent failure to carry workers' compensation insurance within 7 years after an initial failure to carry the required insurance, by continuing the director's authority for 11 years, until September 1, 2033.

APPROVED by Governor April 12, 2022

EFFECTIVE April 12, 2022

H.B. 22-1313 Agricultural employers - agriculture worker housing requirements - communicable disease public health emergency - alternative compliance options - enforcement. The act clarifies that the housing requirements with which agricultural employers must comply during a public health emergency apply only during a statewide public health emergency that concerns COVID-19 or another communicable disease. The act allows an alternative to compliance with the existing housing requirements by authorizing a person engaged in agricultural employment to instead comply with alternative protections identified in a public health order issued by the department of public health and environment.

The act authorizes the department of labor and employment to consult with the department of public health and environment concerning the enforcement of agricultural worker housing requirements.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

H.B. 22-1317 Covenants not to compete - general prohibition - exceptions - penalties. Current law declares that a covenant not to compete that restricts the right of any person to receive compensation for performance of labor for any employer is void, with certain exceptions. The act adds exceptions for:

- A covenant not to compete governing a person who, at the time the covenant not to compete is entered into and at the time it is enforced, earns an amount of annualized cash compensation equivalent to or greater than the threshold amount for highly compensated workers, if the covenant not to compete is for the protection of trade secrets and is no broader than is reasonably necessary to protect the employer's legitimate interest in protecting trade secrets; and
- A covenant not to solicit customers governing a person who, at the time the covenant is entered into and at the time it is enforced, earns an amount of annualized cash compensation equivalent to or greater than sixty percent of the threshold amount for highly compensated workers if the nonsolicitation covenant is no broader than reasonably necessary to protect the employer's legitimate interest in protecting trade secrets.

Additionally, if the employer provides proper notice of the covenant not to compete to the worker or prospective worker, the following covenants are not prohibited:

- A provision providing for recovery of the expense of educating and training a worker where the training is distinct from normal, on-the-job training, the employer's recovery is limited to the reasonable costs of the training and decreases over the course of the two years subsequent to the training proportionately based on the number of months that have passed since the completion of the training, and recovery for the costs of the training would not violate federal law;
- A reasonable confidentiality provision relevant to the employer's business that does not prohibit disclosure of information that arises from the worker's general training, knowledge, skill, or experience, whether gained on the job or otherwise, information that is readily ascertainable to the public, or information that a worker otherwise has a right to disclose as legally protected conduct;
- A covenant for the purchase and sale of a business or the assets of a business; or
- A provision requiring the repayment of a scholarship provided to an individual working in an apprenticeship if the individual fails to comply with the conditions of the scholarship agreement.

The act prohibits an employer from entering into, presenting to a worker or prospective worker as a term of employment, or attempting to enforce any covenant not to compete that is void under the act. An employer who violates this provision is subject to a penalty of \$5,000 for each worker or prospective worker, injunctive relief, and actual

damages. In a private right of action, an employer may also be required to pay reasonable costs and attorney fees.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1347 Workers' compensation - advance mileage for necessary travel - benefit amounts - conflict between scheduled and nonscheduled injuries - increased benefits for funeral and burial expenses - mandatory reporting of certain active medical treatments. The act amends the "Workers' Compensation Act of Colorado" by:

- Creating a process for a claimant to receive advance payment for mileage expenses for travel that is reasonably necessary and related to obtaining compensable treatment, supplies, or services and that requires round-trip travel greater than 100 miles;
- Specifying how to determine the benefit amount for medical impairment when the amount payable using the schedule of injuries would exceed the amount payable for nonscheduled injuries;
- Increasing the maximum benefit payable for funeral and burial expenses;
- Requiring reporting by employers to the division of workers' compensation (division) in the department of labor and employment of active medical treatments necessary to cure and relieve an injury lasting for a period of more than 180 calendar days after the date of the injury; and
- Repealing the special funds board and moving the duties of the board to the director of the division.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1350 Workforce development - regional talent development grants - annual reporting - grant program cash fund - American Rescue Plan Act and general fund money - repeal. The act establishes the regional talent development initiative grant program (grant program) in the office of economic development (office) to fund talent development initiatives across the state that meet regional labor market needs and specified grant program goals, including initiatives that meet workforce development needs in regions as they recover from the negative economic impacts of the COVID-19 pandemic. The office, a state agency designated by the office, or a third party with whom the office contracts is to serve as the administrator of the grant program (program administrator). The office is directed to appoint a steering committee of 5 to 8 business, civic, education, and nonprofit professionals (steering committee), including at least one member representing a rural area of the state, one member representing a 2-year institution of higher education, and one member representing a 4-year institution of higher education. The steering committee will support the program administrator in:

- Developing a grant application process;
- Establishing grant application selection and prioritization criteria; and

- Appointing a selection committee to review grant applications and make grant award recommendations.

The office, in collaboration with the departments of labor and employment, higher education, and education and the steering committee, is to identify regions throughout the state to inform the selection of grant applications.

The office is to publish a report on the grant program by November 1, 2023, and by each November 1 through November 1, 2027.

The act creates the regional talent development initiative grant program fund (grant program fund) and directs the state treasurer to transfer \$91 million from the workers, employers, and workforce centers cash fund (cash fund) to the grant program fund as follows:

- \$89,123,184 from federal money in the cash fund that the state received pursuant to the "American Rescue Plan Act of 2021"; and
- \$1,876,816 from money in the cash fund that originated from the general fund.

The money in the grant program fund is continuously appropriated to the office for the grant program and related costs. The grant program repeals on July 1, 2028.

The act also directs the state treasurer to transfer \$32,373,184 from the money in the cash fund that originated from the general fund back to the general fund.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

H.B. 22-1354 Workers' compensation - mental health records - limits on disclosure - rules - qualifications of mental health providers. The act clarifies provisions in the "Workers' Compensation Act of Colorado" (workers' compensation act) relating to the release and disclosure of mental health records pertaining to an injured employee making a claim under the workers' compensation act (claimant).

The act:

- Defines "mental health records" psychological or psychiatric tests, including neuropsychological testing; other records prepared by or for a mental health provider; independent medical examination records, audio recordings, and reports that address psychological or psychiatric issues; division independent medical evaluation records and reports that address psychological or psychiatric issues; and records relating to the evaluation, diagnosis, or treatment of a substance use or abuse disorder;
- Requires a mental health provider to provide an insurer or employer, if self-insured, with mental health records, as necessary for payment, adjustment, and adjudication of claims involving psychological or psychiatric issues; to the employer, as necessary, to enable to employer to comply with applicable state and federal laws, rules, and regulations; and to the referring physician and any other relevant treating or evaluating providers;
- Prohibits the disclosure of mental health records to any person who is not reasonably necessary for the medical evaluation, adjustment, or adjudication

of claims involving psychological or psychiatric issues, unless otherwise directed by order of the director of the division of workers' compensation (director) or an administrative law judge;

- Permits an insurer to release information from a claimant's mental health records to the claimant's employer concerning work restrictions and information necessary for the adjustment or adjudication of the claim, but prohibits the disclosure of the claimant's actual mental health records to third parties that do not need the information; and
- For a self-insured employer:
 - Requires the employer to keep a claimant's mental health records separate from personnel files;
 - Limits disclosure of the claimant's mental health records to a supervisor or manager to only information from the mental health records pertaining to work restrictions placed on the claimant; and
 - Prohibits disclosure of the claimant's mental health records to any third party and redisclosure by the third party to any person who is not directly involved in adjusting or adjudicating claims involving psychological or psychiatric issues, unless the disclosure is otherwise ordered by the director or an administrative law judge.

The act authorizes the director to promulgate rules necessary for the implementation of the act.

The act requires a person providing mental health services under the workers' compensation act to be a licensed mental health provider.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

H.B. 22-1394 Just transition programs for coal communities and workers - funding - authority to spend appropriated amounts in future fiscal years - annual reporting of expenditures - appropriation. The act transfers \$15 million from the general fund, with \$5 million allocated to the just transition cash fund (fund) and \$10 million allocated to the coal transition workforce assistance program account (account), and directs the department of labor and employment (department), through the just transition office (office), to expend the money for specified coal community and worker supports.

The act also:

- Specifies that money remaining in the fund or the account at the end of any fiscal year remains in the fund or account, as applicable;
- Eliminates the requirement to spend a certain percentage of the money in the fund by the end of specified fiscal years and instead allows the department to expend money in the fund through the end of the 2023-24 state fiscal year and authorizes roll-forward spending authority of amounts appropriated from the fund to the department pursuant to 2021 legislation through the 2023-24 state fiscal year;
- Allows roll-forward spending authority of amounts appropriated from the account to the department pursuant to legislation passed earlier in the 2022 legislative session through the 2023-24 state fiscal year; and
- Starting in 2022, requires the director of the office to report to the joint budget committee on the history of expenditures from the fund and the account and

the purposes for which money in the fund and account were expended or obligated in the previous state fiscal year.

The act appropriates:

- \$5 million from the fund to the department for use by the division of employment and training (division) to implement coal community supports; and
- \$10 million from the account to the department for use by the division to implement coal worker supports.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

H.B. 22-1401 Hospitals - nurse staffing committee - nurse staffing plan - reports - violation - fine - rules. The act requires every hospital to establish, by September 1, 2022, a nurse staffing committee pursuant to rules promulgated by the state board of health, either by creating a new committee or assigning the nurse staffing functions to an existing hospital staffing committee. The nurse staffing committee must have at least 60% or greater participation by clinical staff nurses. The nurse staffing committee is required to:

- Annually develop and oversee a master nurse staffing plan;
- Submit a recommended staffing plan to the hospital's senior nurse executive and governing body; and
- Receive, track, and resolve complaints and receive feedback from direct-care nurses and other staff.

The act requires a hospital to:

- Submit the nurse staffing plan to the department of public health and environment (department) on an annual basis;
- Post the nurse staffing plan on the hospital's website;
- Evaluate the nurse staffing plan on a quarterly basis and, based on complaints and recommendations of patients and staff, revise the nurse staffing plan accordingly; and
- Prepare an annual report containing the details of the evaluation.

The act prohibits a hospital from assigning direct-care providers to a nursing unit or clinical area of a hospital unless the providers are properly trained in the unit or area assigned.

On or before September 1, 2022, in a form and manner determined by rules promulgated by the state board of health, each hospital is required to report:

- The baseline number of beds the hospital is able to staff; and
- The hospital's current bed capacity.

If the hospital's ability to meet staffed-bed capacity falls below 80% of the required baseline in a specified period, the hospital is required to notify the department and submit a plan to meet that requirement.

The act requires the department to notify a hospital if the hospital's number of staffed

beds exceeds 80% of a hospital's total licensed beds and fine the hospital if the hospital does not take corrective action.

Each hospital is required to update its emergency plan at least annually and as often as necessary, as circumstances warrant.

The act authorizes the department to fine a hospital up to \$10,000 per day for the hospital's failure to:

- Meet the required staffed-bed capacity;
- Include the amount of necessary vaccines for administration in its annual emergency plan and, to the extent they are available, have the vaccines available at each of its facilities; and
- Include the necessary testing capabilities, to the extent they are available at each of its facilities.

The act grants rule-making authority to the department and to the state board of health.

The act requires the department to report certain data to its committee of reference as part of its presentation at the hearing held pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act".

The act requires the office of saving people money on health care in the office of the lieutenant governor (office) to study:

- The level of preparedness of health facilities to respond to post-viral illness resulting from the COVID-19 virus;
- The effects of post-viral illness resulting from the COVID-19 virus on the mental, behavioral, and physical health and the financial security of the people of Colorado; and
- The effects of the COVID-19 pandemic on the cost of health care in Colorado and on the resiliency of Colorado's public health system.

The act requires the office to annually report its findings to the governor and to coordinate, monitor, and support efforts to improve affordability of health care, health outcomes, and public health readiness in state programs and departments.

APPROVED by Governor May 18, 2022

EFFECTIVE May 18, 2022

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 22-17 Regulation of vehicle weight - fluid milk products - nondivisible. Colorado law sets weight limits for vehicles that travel over roads. One of the factors that determines a vehicle's weight limit is whether a load is divisible, which means that the load can be divided up to lower its weight. The act deems that a load of fluid milk products carried by a vehicle is not a divisible load.

APPROVED by Governor March 3, 2022

EFFECTIVE March 3, 2022

S.B. 22-55 Impaired driving - early driver's license reinstatement - continuous alcohol monitoring - appropriation. The act permits a person whose driver's license has been revoked for one year or more because of a conviction for DUI, DUI per se, DWAI, or excess BAC, or for 9 months for a first offense, to immediately apply for an early license reinstatement with an interlock-restricted license.

The act requires at least 90 days of continuous alcohol monitoring for a person sentenced to probation following a third or subsequent offense, or a felony offense, for DUI, DUI per se, or DWAI. The act adds an exception for any continuous alcohol monitoring if the court finds that ordering monitoring would not be in the interest of justice or if the person's residence is in an area where the person cannot reasonably acquire a monitoring device. The act requires the judicial district's probation department to pay the costs of continuous alcohol monitoring for a person who is unable to pay and clarifies that money in the offender services fund can be used to pay those costs.

The bill appropriates \$517,292 from the offender services fund to the judicial department and \$10,294 from the general fund to the department of revenue, which includes \$1,386 reappropriated funds to the office of the governor for use by the office of information technology.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-107 Registration - special license plate - Pikes Peak international hill climb - fees - appropriation. The act creates the Pikes Peak international hill climb special license plate. In addition to the standard motor vehicle fees, the plate requires 2 one-time fees of \$25. One of the fees is credited to the highway users tax fund and the other to the licensing services cash fund.

For the 2022-23 state fiscal year, \$41,734 is appropriated to the department of revenue for use by the division of motor vehicles to implement the act.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

S.B. 22-108 Trucks weighing between 4,500 and 10,000 pounds - evidence of current weight additional information to record. Colorado law requires the owner of a truck to present a manufacturer's certificate of origin or a certified scale ticket if the truck is subject

to certain weight-based fees and weighs more than 4,500 pounds but not more than 10,000 pounds. This weight includes mounted equipment other than recreational equipment. The act adds an exemption so that a certified scale ticket is required only when the truck's weight has been changed by 300 pounds or more.

The act also requires a certified weigher to record, on the certificate of weight, the vehicle identification number, year of manufacture, and make when weighing a vehicle for registration.

APPROVED by Governor April 4, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-190 Vehicle registration - special license plates - space force - appropriation. The act creates a United States Space Force license plate. To qualify for the license plate, a person must be a serving member or veteran of the United States Space Force. In addition to the normal fees for a license plate, a person must pay 2 one-time fees of \$25 for the issuance of the plate. The fees are credited to the highway users tax fund and the licensing services cash fund, respectively.

To implement the act, \$23,278 is appropriated from the general fund and license plate cash fund to the department of revenue for use by the division of motor vehicles. Of the amount appropriated to the department of revenue, \$2,426 is reappropriated to the office of the governor for use by the office of information technology to provide information technology services for the department.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-204 Identification documents - persons temporarily present in the United States - status confirmation - appropriation. The act repeals the requirement that, prior to the department of revenue issuing a driver's license, instruction permit, or identification card to a person who is temporarily present in the United States, the federal government confirm the person's lawful presence status, including electronically through the federal systematic alien verification for entitlements (SAVE) system.

The act appropriates \$19,397 to the department of revenue from the Colorado DRIVES vehicle services account in the highway users tax fund to implement the act, and \$2,575 to the office of the governor from reappropriated funds received from the department of revenue for use by the office of information technology to provide information technology services for the department of revenue.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

H.B. 22-1004 Highway users tax fund - Colorado DRIVES vehicle services account - transfer. The act requires the state treasurer to transfer \$3,900,000 from the general fund to

the Colorado DRIVES vehicle services account in the highway users tax fund. This transfer allows the department to maintain the current driver license fee while supporting the solvency of the fund.

APPROVED by Governor May 16, 2022

EFFECTIVE May 16, 2022

H.B. 22-1014 Special license plate - epilepsy awareness - appropriation. The act creates the epilepsy awareness license plate for motor vehicles. The department of revenue must designate a nonprofit organization to qualify applicants for issuance of the license plate. The organization must:

- Be headquartered in Colorado;
- Have been in existence for at least 5 years;
- Be a nonprofit organization;
- Provide education to the public about epilepsy;
- Offer programs for youth and adults with epilepsy; and
- Fund services and support for those affected by epilepsy.

An applicant qualifies for issuance of the license plate if the applicant makes a donation to the organization and pays all required taxes and fees. In addition to the standard motor vehicle fees, the applicant must pay 2 one-time fees of \$25 for issuance of the license plate. One fee is credited to the highway users tax fund and the other to the licensing services cash fund.

For the 2022-23 state fiscal year, \$29,671 is appropriated for use by the division of motor vehicles in the department of revenue (department) to implement the act, of which amount \$3,168 is reappropriated to the office of the governor for use by the office of information technology to provide information technology services for the department.

APPROVED by Governor May 26, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1028 Controlled intersections - regulation of persons approaching while not driving a motor vehicle. An existing statute allows a municipality or county to adopt an ordinance or resolution specifying that a person riding a bicycle, electrical assisted bicycle, or electric scooter may make a safety stop, rather than a full stop, under certain circumstances when approaching an intersection that is controlled by a stop sign or a traffic control signal as follows:

- When approaching a stop sign, if it is safe to proceed, the person may, after slowing to a reasonable speed of 15 miles per hour or less, or 10 or 20 miles per hour or less if so specified by a municipality or county for a particular intersection and marked with appropriate signage, and yielding the right-of-way to any traffic or pedestrian in or approaching the intersection, continue through the intersection without stopping; and
- When approaching an illuminated red traffic control signal, the person must first stop at the intersection and yield to all other traffic and pedestrians and then, when safe to do so, may proceed straight or make a right turn through

the intersection or, subject to specified conditions, make a left turn onto a one-way street only.

The act amends the statute to make the substantive requirements described above uniform statewide for most persons 15 years of age or older or under 15 years of age and accompanied by an adult who are approaching a controlled intersection and are not operating a motor vehicle; except that the statewide "reasonable speed" is 10 rather than 15 miles per hour or less and the only municipal or county "reasonable speed" variance option is to increase the maximum "reasonable speed" for a particular intersection to 20 miles per hour. Such persons include pedestrians approaching a controlled intersection with a stop sign and operators of low-speed conveyances, as defined in the act, approaching a controlled intersection with a stop sign or a traffic control signal. However, if a county or municipality has placed a traffic sign or a traffic control signal at a controlled intersection and the traffic sign or traffic control signal provides instructions only to one or more specified types of low-speed conveyances, the operator of a low-speed conveyance to which the traffic sign or traffic control signal is directed is required to obey the instructions provided by the traffic sign or traffic control signal.

The regulation of persons approaching controlled intersections is declared to be a matter of mixed state and local concern, and the amended statute is thus declared to supersede any conflicting local ordinance or resolution but not to affect the validity of any nonconflicting local ordinance or resolution that regulates the conduct of persons approaching controlled intersections. The act does not create any right for a pedestrian or the operator of a low-speed conveyance to travel on any portion of a roadway where travel is otherwise prohibited by state law or a local ordinance or resolution.

The department of transportation, in collaboration with the departments of education and public safety and appropriate nonprofit organizations and advocacy groups, is required to incorporate legal requirements and safe practices for approaching controlled intersections as a pedestrian or while operating a low-speed conveyance into educational materials for persons under the age of 18 and the general public. The division of motor vehicles in the department of revenue is required to include in updates to the "Colorado Driver Handbook" updated information regarding legal requirements and safe practices for approaching controlled intersections that reflect the changes made by the act.

APPROVED by Governor April 13, 2022

EFFECTIVE April 13, 2022

H.B. 22-1042 Teen parent driver's license program - creation - eligibility - department of human services - annual report - appropriation. The act creates the teen parent driver's license program (program) in the department of human services (department) to provide financial assistance for the cost of driver's education school training for eligible individuals and the cost to obtain a driver's license or permit. A person is eligible for the program if the person is a parent and 15 years of age or older and under 21 years of age.

The department must solicit interest and cost distribution proposals from teen parent organizations to administer the program. The department must annual report on:

- The total number of teen parent organizations contracted with the department;
- The total amount of money awarded to each teen parent organization;
- The location of each teen parent organization and the counties served;
- The total number of eligible individuals who received driver's licenses each

- year, disaggregated by each month; and
- The total number of eligible individuals who received training from a driver's education school, disaggregated by each month.

The act appropriates \$100,000 from the general fund to the department of human services for use by the office of economic security to implement the act.

APPROVED by Governor May 31, 2022

EFFECTIVE May 31, 2022

H.B. 22-1043 Autocycles and motorcycles - reclassification - appropriation. Section 1 of the act removes autocycle from the definition of motorcycle. The definition of motorcycle is changed to add that a motorcycle has handlebars to steer and a seat the rider sits astride. The definition of autocycle is also changed to classify it as a motor vehicle and to clarify that an autocycle may use handlebars to steer. In removing autocycle from the definition of motorcycle, the act makes the following clarifications and changes:

- Section 2 clarifies that the driver of an autocycle need not have a motorcycle endorsement regardless of the autocycle's maximum speed and that all 3-wheel motorcycle drivers need a general or limited motorcycle endorsement;
- Colorado law requires all motorcycle drivers to wear eye protection unless the motorcycle has 3 wheels, has a maximum speed of no more than 25 miles per hour, has a windshield, and has seatbelts. Section 3 clarifies that this exception applies to drivers of autocycles, not motorcycles, fitting that description.
- Colorado law requires a motorcycle driver who is under 18 years of age to wear a helmet unless the motorcycle has 3 wheels, has a maximum speed of no more than 25 miles per hour, has a windshield, and has seatbelts. Section 4 clarifies that this exception applies to autocycles, not motorcycles, fitting that description.
- Colorado law imposes a fee of \$4 to register motorcycles for motorcycle operator safety training. Redefining autocycles as not being motorcycles in section 1 means that autocycle owners will not pay the fee.
- Section 5 removes the authorization for 2 autocycles to drive abreast in one lane; and
- Section 8 clarifies that the department of revenue will continue to issue a motorcycle license plate for an autocycle.

Section 33 appropriates \$15,976 from the general fund for use by the division of motor vehicles to implement the act.

APPROVED by Governor June 3, 2022

EFFECTIVE January 1, 2023

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1103 Special license plate - Delta Sigma Theta Sorority - appropriation. The act creates the Delta Sigma Theta Sorority special license plate for motor vehicles. An applicant qualifies for issuance of the license plate if the applicant is a member of the sorority and pays all required taxes and fees. In addition to the standard motor vehicle fees, the applicant must pay 2 one-time fees of \$25 for issuance of the license plate. One fee is credited to the

highway users tax fund and the other to the licensing services cash fund.

For the 2022-23 state fiscal year, \$27,437 is appropriated for use by the division of motor vehicles in the department of revenue (department) to implement the act, of which amount \$2,129 is reappropriated to the office of the governor for use by the office of information technology to provide information technology services for the department.

APPROVED by Governor May 27, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1150 Signature by defendant - requirement eliminated. Under current law, a defendant is required to execute the defendant's signature on citations for a misdemeanor, petty offense, misdemeanor traffic offense, or traffic infraction to signify agreement to pay the penalties or appear in court. The act eliminates the defendant signature requirement.

APPROVED by Governor March 30, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1154 Registration - license plates - Colorado rotary license plate - appropriation. The act creates the Colorado rotary license plate. To qualify for the license plate, a person must be a member in good standing of a rotary district of Colorado. In addition to the normal fees for a license plate, a person must pay 2 additional one-time fees of \$25 for the issuance of the plate. The fees are credited to the highway users tax fund and the licensing services cash fund, respectively.

To implement the act, \$18,184 is appropriated to the department of revenue for use by the division of motor vehicles, and, of this amount, \$2,129 is reappropriated to the office of the governor for use by the office of information technology to provide information technology services to the department.

APPROVED by Governor May 24, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1162 Registration - digital license plates - department of revenue review and report - sunset review. The act authorizes digital license plates to be used in lieu of metal license plates if the registration number and expiration date are visible from 100 feet away in sunlight. The plates need not display more than one color. The department of revenue (department) may permit messaging and other digital functionality on digital plates.

The department will consult with the state patrol to adopt rules governing the use, requirements, approval process, proposals, relocation, and reporting of the plates. The department will review the implementation of the plates one year after promulgating the rules and submit a report to the transportation legislation review committee.

The act is scheduled to repeal on September 1, 2027, but before the repeal, it will undergo a sunset review, which may suggest changes or that the act be repeal or continued.

APPROVED by Governor April 22, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1241 Special license plates - Court Appointed Special Advocates (CASA) - appropriation. The act creates the CASA special license plate. In addition to the standard motor vehicle fees, the plate requires 2 one-time fees of \$25. One of the fees is credited to the highway users tax fund and the other to the licensing services cash fund.

For the 2022-23 state fiscal year, \$28,943 is appropriated for use by the division of motor vehicles in the department of revenue (department) to implement the act, of which amount \$1,979 is reappropriated to the office of the governor for use by the office of information technology to provide information technology services for the department.

APPROVED by Governor June 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1254 Registration - deadlines - evidence requirements - appropriation. Colorado law requires a person to register the person's motor vehicle within 90 days after moving to Colorado. Section 2 of the act requires a person who registers a vehicle after moving to Colorado to:

- Provide documentation of the vehicle's previous registration that contains the registration dates or the vehicle's bill of sale;
- Provide evidence of the date that the person became a Colorado resident; and
- Pay the vehicle's registration taxes and fees that are prorated from the date the person became a Colorado resident to the date the person applied to register the vehicle, unless the vehicle is used for interstate commerce or unless the owner registered the vehicle within 90 days after becoming a resident.

The act requires an owner who fails to register the vehicle within 90 days after moving to Colorado to pay assessed back taxes and fees. The allocation and use of the taxes and fees does not change.

Section 3 imposes late fees for failing to register a vehicle when appropriate after obtaining temporary tags for the vehicle. Section 3 also imposes prorated registration taxes and fees to capture missed revenue if a person fails to register a vehicle when required by law.

Section 4 lowers the registration fee that is based on the age of a vehicle:

- For motor vehicles less than 7 years old, the fee is lowered from \$12 to \$9;
- For motor vehicles at least 7 years old but less than 10 years old, the fee is lowered from \$10 to \$7; and

- For motor vehicles 10 years old or older, the fee is lowered from \$7 to \$5.

The department of revenue (department) may adjust the fees to make the act revenue neutral but may not lower a fee below one dollar or raise the fees above the original amount from which the act lowered the fees. In 2026, this fee decrease repeals, and the fees return to their original amounts. One dollar of the fee is retained by the department and used to offset the cost to the department and the authorized agents to implement the act.

Colorado law imposes a fee of \$1.50 on motor vehicles, trailers, and semitrailers. The fee is sent to the county where the vehicle is registered for its road and bridge fund. Section 5 lowers this fee to \$0.94 to offset the increased taxes and fees collected by the county under sections 2 and 3. The department will annually adjust the fee amount to keep the act revenue neutral to the counties. This process is repealed on July 1, 2026, so that the fee returns to \$1.50.

To implement the act, \$248,249 is appropriated to the department of revenue from the Colorado DRIVES vehicle services account in the highway users tax fund.

APPROVED by Governor June 7, 2022

EFFECTIVE January 1, 2023

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1321 Marijuana - study of devices detecting impairment - appropriation. The act establishes a study to investigate devices that are capable of assessing cognitive and physical impairment of motorists to detect the presence of drugs other than alcohol during roadside sobriety investigations.

The act requires the Colorado department of transportation (department) to issue a request for proposal for a study and report to be conducted and completed not later than June 1, 2023. The department shall submit and present a final report with the findings of the study at the joint transportation committee's "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing and to the Colorado task force on drunk and impaired driving. The act sets requirements and standards for the study. The study repeals July 1, 2024.

The act appropriates \$751,649 from the marijuana tax cash fund to the department for the study.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

H.B. 22-1339 Licensing services cash fund - merger into Colorado DRIVES vehicle services account. The licensing services cash fund (fund) consists mainly of fees charged for the issuance of drivers' licenses, driving permits, and state identification cards. The department of revenue (department) uses the fund primarily to fund the issuance of those documents.

The Colorado DRIVES vehicle services account (DRIVES account) of the highway users tax fund consists mainly of vehicle title and registration fees and specific ownership tax transaction fees. The department uses the DRIVES account for the development and

operation of the department's driver and motor vehicles services software platform commonly known as Colorado DRIVES.

Effective July 1, 2022, the act merges the fund into the DRIVES account, which involves:

- Repealing the fund and requiring all money in the fund to be credited to the DRIVES account;
- Requiring all fees that had been credited to the fund to instead be credited to the DRIVES account; and
- Requiring all functions that had been funded from the fund to instead be funded from the DRIVES account.

The act also requires DRIVES account investment earnings to be credited to the account.

APPROVED by Governor April 25, 2022

EFFECTIVE July 1, 2022

H.B. 22-1388 Registration - license plates - taxes and fees. Colorado law allows the department of revenue (department) to register a vehicle for less than a year so that all of the vehicle owner's registrations for all of the owner's vehicles expire at the same time. The taxes and fees are prorated. Section 2 of the act clarifies that the surcharges are also prorated.

Colorado law sets the late registration fee for camper trailers and multipurpose trailers at \$10. Section 3 sets trailer coaches at the same late registration fee.

Colorado law prohibits transferring a license plate with a vehicle, but exempts certain plates. Section 4 adds distinctive special license plates, group special license plates, and special alumni license plates to the exemption and adds intrastate commercial vehicle, trailers, and special mobile machinery to the types of plates that cannot be transferred.

Section 5 clarifies that the owner of an inoperable vehicle undergoing maintenance, repair, restoration, rebuilding, or renovation must pay an annual specific ownership tax. Upon payment of the tax, the owner will receive evidence of registration to affix to the vehicle, such as a license plate or decal, and isn't charged surcharges or fees if the owner keeps the vehicle on private property for the purposes of maintenance, repair, restoration, rebuilding, or renovation.

Section 6 creates a license plate to celebrate Colorado's 150th anniversary of becoming a state.

Colorado law requires the owner of a truck to present a certified scale ticket showing the weight of the truck if the truck is subject to certain weight-based fees, has not been modified, and weighs between 4,500 pounds and 10,000 pounds. Section 7 authorizes the owner to present a manufacturer's certificate of origin, certificate of title, certified scale ticket, or other documents or systems as determined by rule.

The department uses a table to compute certain registration fees that are based on weight for vehicles that weigh less than 10,000 pounds. Section 8 lowers this weight to 6,000 pounds.

Colorado law requires an applicant for a certificate of title for a motor or off-highway vehicle to provide any lien document as an original or as a copy, which must be certified by the lienholder to be a true copy of the original lien. Similarly, a lienholder that is filing a lien must file any lien document as an original or a copy, which the lienholder must certify is a true copy. Sections 9, 10, and 11 repeal the requirement that the lienholder certify the copy. Section 9 and 11 also remove language that says that vehicle lien filings are public records.

To release a lien on a motor or off-highway vehicle, current law requires the lienholder to file a lien release, which must include a written declaration that is made under penalty of perjury. Section 12 adds an option that the lienholder may file a notarized declaration.

Colorado law requires a motor vehicle dealer to pay a \$25 fee to the executive director of the department for a certificate of title. Section 13 clarifies that the fee can be paid to a county clerk or third-party vendor, which is typically the entity that is processing the transaction. Section 14 splits this \$25 dollar fee, if paid to the county clerk, so that the county clerk retains \$21.80 and forwards the rest to the department.

Colorado law requires a vehicle owner to obtain a bonded certificate of title if the vehicle owner cannot present the ordinary proof of ownership. To obtain a title in lieu of a bonded title on a collector's item, street-rod vehicle, or horseless carriage of 25 years old or older, the applicant must present, among other things, a notarized bill of sale. Section 15 repeals the requirement that the bill of sale be notarized.

To register a motor vehicle, a vehicle owner must pay a road safety surcharge and a bridge safety surcharge. Section 16 sets the road safety surcharge at \$16 for trailer coaches, which are trailers that are at least 26 feet long and used for temporary living quarters. Section 17 sets the bridge safety surcharge at \$13 for trailer coaches.

Section 18 appropriates \$318,840 to the department to implement the act.

APPROVED by Governor June 8, 2022

EFFECTIVE January 1, 2023

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

NATURAL RESOURCES

S.B. 22-7 Colorado state forest service - wildfire mitigation awareness campaign - working group - report - appropriation. The act requires the Colorado state forest service (forest service) to convene a working group (working group) that includes the division of fire prevention and control in the department of public safety (DFPC) and the United States forest service (USFS), and that may include other local, state, or federal partners and entities engaged in wildfire risk mitigation in the wildland-urban interface (WUI).

The working group shall consider how best to conduct enhanced outreach campaigns during wildfire awareness month in 2023 and 2024, as well as other outreach efforts that inform and motivate residents in the WUI to engage in more wildfire risk mitigation. After considering feedback from the working group, the forest service shall implement an enhanced wildfire awareness month outreach campaign in conjunction with the DFPC and the USFS in 2023 and 2024, as well as other outreach efforts in the 2022-23 and 2023-24 state fiscal years.

In implementing an enhanced wildfire awareness month outreach campaign and other outreach efforts, the forest service may, subject to available appropriations:

- Develop or contract for the development or placement of marketing and educational materials, including videos, direct mail, social media, print media, television and radio spots, and billboards;
- Conduct or contract for educational events targeted to residents in the WUI;
- Retain consultants, as necessary, to implement all or part of an outreach campaign, as well as other outreach efforts;
- Make enhancements to the forest service's web-based clearinghouse for technical assistance and funding resources and coordinate with working group partners and other entities to provide links to web-based educational resources and information; and
- Secure necessary staff to implement the outreach efforts.

The act requires the state forester to report to the wildfire matters review committee during the 2023 and 2024 legislative interims concerning the outreach efforts implemented pursuant to the act, including the amount and use of money appropriated for outreach efforts and the impact of those efforts in increasing awareness of wildfire risk mitigation in the WUI.

For the 2022-23 state fiscal year, the act appropriates \$800,000 from the general fund to the healthy forest and vibrant communities fund for use by the Colorado state forest service in implementing the act. The act also authorizes the appropriation of money to the DFPC as necessary to implement the outreach plan.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

S.B. 22-158 Specifies conservation trust fund - appropriations for native species conservation programs. The act appropriates \$6 million from the species conservation trust fund for programs submitted by the executive director of the department of natural resources that are designed to conserve native species that state or federal law list as threatened or endangered or that are candidate species or are likely to become candidate species as

determined by the United States fish and wildlife service, allocated as follows:

- \$770,000 for native terrestrial wildlife conservation;
- \$2,230,000 for native aquatic wildlife conservation;
- \$1,900,000 for a Platte river recovery implementation program;
- \$800,000 for an upper Colorado river endangered fish recovery program and San Juan river basin recovery implementation program;
- \$250,000 for a 15-mile reach of Ruedi reservoir releases; and
- \$50,000 for selenium management, research, monitoring, evaluation, and control.

APPROVED by Governor June 1, 2022

EFFECTIVE June 1, 2022

S.B. 22-168 Backcountry search and rescue - transfer of functions from department of local affairs to department of natural resources - immunity for persons engaged in backcountry search and rescue - educational benefits for dependents - appropriation. The act transfers the duties, powers, and functions of the department of local affairs (DOLA) related to backcountry search and rescue, the backcountry search and rescue card (card) and the backcountry search and rescue fund (fund) to the division of parks and wildlife (division), effective January 1, 2023. On and after January 1, 2023:

- All positions of employment and appropriations for personal services in DOLA related to backcountry search and rescue and the administration of the card and fund are transferred to the division;
- The division is required to administer the card program and to process requests for reimbursement for search and rescue efforts from the fund and assumes all rights and obligations previously vested in DOLA;
- The parks and wildlife commission is required to promulgate rules establishing the price and vendor fee for the card and the amount of the surcharges imposed on certain hunting and fishing licenses and on boats, snowmobile, and off-highway vehicle registrations that are credited to the fund; and
- The fund is continuously appropriated to the division to reimburse local governments for backcountry search and rescue efforts and to support search and rescue efforts throughout the state.

The act amends current laws providing immunity from civil liability in certain circumstances to volunteer firefighters and incident management teams responding to emergencies and to volunteers providing services to nonprofit organizations to include persons, including associated legal entities, engaged in backcountry search and rescue efforts.

A dependent of a person who died or was permanently disabled while engaged in backcountry search and rescue efforts is eligible for educational benefits that are currently extended to the dependents of individuals who die or are permanently disabled while on active duty as a Colorado National Guardsman or while working as a police officer, sheriff, or other law enforcement officer or firefighter.

One million dollars is transferred from the general fund to the wildlife cash fund for use by the division to support backcountry search and rescue efforts. If there is any unobligated and unexpended money remaining from that transfer on January 2, 2023, the

remainder is transferred to the backcountry search and rescue fund.

The one million dollars transferred to the wildlife cash fund is appropriated to the department of natural resources for use by the division for backcountry search and rescue efforts.

APPROVED by Governor June 1, 2022

PORTIONS EFFECTIVE June 1, 2022
PORTIONS EFFECTIVE January 1, 2023

S.B. 22-169 Open records - denial of access - animal, species, and habitat information. The act authorizes the custodian of public records to deny access to records containing information that reveals the location or could be used to determine the location of an individual animal, a group of animals, a plant species of greatest conservation need, or an individual animal's or a group of animals' breeding or nesting habitat.

APPROVED by Governor May 20, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-198 Oil and gas conservation - orphaned wells mitigation enterprise created - powers and duties - enterprise board created - mitigation fees - cash fund created - rules. The act creates the orphaned wells mitigation enterprise (enterprise) in the department of natural resources for the purpose of:

- Imposing and collecting mitigation fees;
- Funding the plugging, reclaiming, and remediating of orphaned wells in the state;
- Ensuring that the costs associated with the plugging, reclaiming, and remediating of orphaned wells are borne by operators in the form of mitigation fees; and
- Determining the amounts of mitigation fees.

On or before August 1, 2022; on or before April 30, 2023; and on or before April 30 each year thereafter, each operator shall pay a mitigation fee to the enterprise for each well that has been spud but is not yet plugged and abandoned, in accordance with rules promulgated by the Colorado oil and gas conservation commission (commission), in the following amounts:

- For operators with production that is equal to or less than a threshold to be determined by rules of the commission, \$125 for each well; or
- For operators with production that exceeds a threshold to be determined by rules of the commission, \$225 for each well.

Money collected as mitigation fees is credited to the orphaned wells mitigation enterprise cash fund (fund), which is created in the act.

The act also creates the orphaned wells mitigation enterprise board (enterprise board) and requires the enterprise board to administer the enterprise and, at least annually, to:

- Consider whether the mitigation fee amounts should be increased or reduced, based on current circumstances and reasonably anticipated future expenditures from the fund;
- If the enterprise board determines that an increase or reduction of the mitigation fee amounts is warranted, adjust the mitigation fee amounts; and
- Advise the commission of the outcome of the enterprise board's deliberations.

The commission may promulgate rules as necessary to implement the enterprise.

APPROVED by Governor June 2, 2022

EFFECTIVE July 1, 2022

H.B. 22-1072 Habitat partnership program - council and committees membership - scope expanded to include private land conservation and migration corridors - unexpended and unencumbered money reverts to wildlife cash fund - exemption from procurement code. The habitat partnership program (program) assists the division of parks and wildlife (division) with reducing wildlife conflicts and meeting game management objectives. The act:

- Authorizes the director of the division (director) to independently appoint members of the habitat partnership council (council) that, in part, advises local habitat partnership committees (committees) that help implement program objectives;
- Expands the scope of the program to assist the division with private land conservation and wildlife migration corridor efforts;
- With respect to reducing wildlife conflicts, prioritizes conflicts that arise from forage and fence issues related to big game ungulate species, which are big game species that are hooved mammals;
- Authorizes the council to allocate an annual budget to each committee, subject to final approval by the director, and expend funds in areas of the state that are not covered by a committee;
- Requires the director to set terms for committee members; and
- Identifies the council and each committee as an independent organizational unit for purposes of purchasing, accounting, and procurement-related issues.

The act clarifies that any balance of unexpended and unencumbered money in the habitat partnership cash fund (fund) at the end of a fiscal year that exceeds the amount transferred to the fund at the beginning of the fiscal year from the wildlife cash fund reverts to the wildlife cash fund and continues the fund indefinitely.

The act also exempts the program from the "Procurement Code".

APPROVED by Governor April 21, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1323 Colorado state forest service - upgrades and improvements to seedling tree nursery - repeal - appropriation. The act requires the Colorado state forest service to make certain upgrades and improvements to its seedling tree nursery in order to expand its capacity and its ability to contribute to reforestation efforts in the state. The act is repealed

as of January 1, 2025.

For the 2022-23 state fiscal year, \$5,000,000 is appropriated to the department of higher education for use by the board of governors of the Colorado state university system for the Colorado state forest service tree nursery.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1348 Oil and gas - disclosure of chemical information for products used in downhole oil and gas operations - chemical disclosure lists - community notification - report - appropriation. The act establishes a regulatory scheme that requires disclosure of certain chemical information for products used in downhole oil and gas operations (chemical disclosure information). The oil and gas conservation commission (commission) is required to utilize or develop a chemical disclosure website to collect and share certain chemical disclosure information with the public (chemical disclosure website).

On and after July 31, 2023, operators, service providers, and direct vendors that provide chemical products directly to an operator or service provider at a well site (discloser) for use in underground oil and gas operations (downhole operations) in the state must disclose to the commission:

- The trade name of the chemical product; and
- A list of the names of each chemical used in the chemical product.

The discloser must also provide the commission with a declaration that the chemical product contains no intentionally added perfluoroalkyl or polyfluoroalkyl chemicals.

For disclosers that were already selling, distributing, or using a chemical product for use in downhole operations in the state before July 31, 2023, the disclosure and declaration must be made at least 30 days before July 31, 2023. For disclosers that begin to sell or distribute a chemical product for use in downhole operations in the state, or that begin to use a chemical product in downhole operations in the state, on or after July 31, 2023, the disclosure and declaration must be made at least 30 days before the discloser begins selling, distributing, or using the chemical product.

If a manufacturer does not provide the disclosure information for a chemical product that it sells or distributes for use in downhole operations in the state to the discloser upon the request of the discloser or commission, the manufacturer must provide the commission with a trade secret form of entitlement for the chemical product. If, after making a request to the manufacturer, the discloser is unable to disclose the disclosure information, the discloser shall disclose to the commission:

- The name of the chemical product's manufacturer;
- The chemical product's trade name;
- The amount or weight of the chemical product; and
- A safety data sheet for the chemical product if it is available for disclosure by the discloser.

On and after July 31, 2023, an operator of downhole operations using a chemical product must disclose to the commission:

- The date of commencement of downhole operations;
- The county of the well site where downhole operations are being conducted;
- The unique numerical identifier assigned by the American Petroleum Institute to the well where downhole operations are being conducted and the US well number assigned to the well where downhole operations are being conducted; and
- The trade names and quantities of any chemical products the operator used in downhole operations.

The operator must also provide the commission with a declaration that the chemical product contains no intentionally added perfluoroalkyl or polyfluoroalkyl chemicals.

For downhole operations that commenced before July 31, 2023, and that will be ongoing on July 31, 2023, the disclosure and declaration must be made within 120 days after July 31, 2023. For downhole operations that commence on or after July 31, 2023, the disclosure and declaration must be made within 120 days after the commencement of downhole operations.

The commission will use the chemical disclosure information to create a chemical disclosure list for each well site, which will include an alphabetical list of names and Chemical Abstracts Service numbers of chemicals that will be used in downhole operations at the well site. The commission will post each chemical disclosure list on the chemical disclosure website. The commission shall provide the chemical disclosure list to the applicable operator within 7 days after the operator's disclosures.

The operator is required to disclose the chemical disclosure list to persons and entities near where downhole operations will be conducted. The disclosure of the chemical disclosure list to these persons and entities must be made within 30 days after the operator's receipt of the chemical disclosure list from the commission.

The commission will prepare and present an annual report to the general assembly that includes a list of chemicals used in downhole operations in the state in the prior calendar year.

For the 2022-23 state fiscal year, \$61,500 is appropriated from the oil and gas conservation and environmental response fund to the department of natural resources (department) to implement the act, which amount is reappropriated to the office of the governor for use by the office of information technology to provide information technology services for the department.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

PROBATE, TRUSTS, AND FIDUCIARIES

S.B. 22-92 Probate code - intestate succession - terminology. The act describes how property passes when a decedent dies without a will (intestate) and the estate or any part of the estate does not pass to a surviving spouse or designated beneficiary pursuant to existing law. In that situation, the portion of the estate passing through intestate succession is distributed as follows:

- If the decedent is survived by one or more descendants, the portion of the estate passes to the decedent's surviving descendants per capita at each generation;
- If the decedent is not survived by a descendant but is survived by one or more parents, the portion of the estate is divided into as many equal shares as there are surviving parents and deceased parents with one or more descendants. One share passes to each surviving parent, and the balance passes per capita at each generation to the surviving descendants of the decedent's deceased parents.
- If the decedent is not survived by a descendant or parent but is survived by one or more descendants of a parent, the portion of the estate passes per capita at each generation to the surviving descendants of the decedent's deceased parents; or
- If a decedent is not survived by a descendant, parent, or descendant of a parent but is survived by one or more grandparents, the portion of the estate is divided into as many equal shares as there are surviving grandparents and deceased grandparents with one or more surviving descendants. One share passes to each surviving grandparent, and the balance passes per capita at each generation to the surviving descendants of the decedent's deceased grandparents.

The act clarifies how the estate passes to surviving descendants of a deceased parent or grandparent.

The act replaces outdated terminology in the "Colorado Probate Code" with modern language, including replacing gender-specific language.

APPROVED by Governor March 30, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

PROFESSIONS AND OCCUPATIONS

S.B. 22-58 Dental hygienists - peer health assistance program. The act creates a peer health assistance program (program) for dental hygienists to assist dental hygienists with physical, emotional, or psychological problems that may be detrimental to the dental hygienist's ability to practice dental hygiene.

The program is funded by an annual \$15 fee each dental hygienist is required to pay upon initial licensure and upon reinstatement or renewal of the dental hygienist's license.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-76 Complaints - words said or acts committed as part of official acts as an elected official or a member of a board or commission - dismissal of complaint. The act directs the agency that regulates an occupation to dismiss an anonymous complaint that is lodged against the holder of an occupational license, certification, or registration if the complaint is based on words said or actions taken while engaged in official duties as:

- An elected official of Colorado or a political subdivision of Colorado; or
- A member of a board or commission of Colorado or a political subdivision of Colorado.

If the same type of complaint is submitted, but not anonymously, the agency is authorized to dismiss the complaint. The subject of the complaint need not respond or provide evidence for the complaint to be dismissed.

An exception is made for words said to or actions committed for a specific person when the license, certificate, or registration holder is speaking or acting as a member of the regulated occupation.

APPROVED by Governor April 4, 2022

EFFECTIVE April 4, 2022

S.B. 22-77 Interstate licensed professional counselors compact - privilege to practice in compact member state - counseling compact commission - effective date - appropriation. The act enacts the "Interstate Licensed Professional Counselors Compact", which, once effective, will allow licensed professional counselors in any state that has joined the compact (member state) to provide:

- Licensed professional counselor services in each member state under a privilege to practice; and
- Telehealth services in each member state under a privilege to practice.

The act authorizes the state board of licensed professional counselor examiners (board) to promulgate rules and to facilitate Colorado's participation in the compact, including notification to the Counseling Compact Commission (commission) established by the compact of any adverse action taken by the board against a Colorado licensed professional counselor. The commission includes a delegate from each member state and has the powers and duties set forth in the act. The compact becomes effective on the date the compact is enacted in the tenth member state.

The act appropriates \$104,538 to the department of regulatory agencies from the division of professions and occupations cash fund for use by the division of professions and occupations to implement the act.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-116 Occupational credential portability program - federal credentials - military occupational specialties - modifications to qualifications - exemption of specified professions. Current law authorizes a regulator of a profession or occupation to approve an application for licensure, certification, registration, or enrollment by endorsement, reciprocity, or transfer through the occupational credential portability program (program). The act amends the program by:

- Adding licensure, certification, registration, or enrollment in good standing through the federal government to the types of occupational credentials that qualify a person for a credential through the program;
- Adding a military occupational specialty to the types of occupational credentials that qualify a person for a credential through the program;
- If submitting proof of a credential from another jurisdiction as the basis for application under the program, requiring the applicant to have held the license, certification, registration, or enrollment, for at least one year, under a jurisdiction with a scope of practice that is substantially similar to the scope of practice of the profession or occupation required by Colorado law;
- Removing the prohibition on approving licensure, certification, registration, or enrollment if such approval would violate an existing compact or reciprocity agreement;
- Adding a requirement that an applicant for licensure, certification, registration, or enrollment have substantially equivalent education as required by Colorado law; and
- Exempting engineers, surveyors, and architects from the program.

APPROVED by Governor May 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-143 Common provisions applicable to regulated professions and occupations - use of common terminology. The act strikes references in a common health-care provision in title 12 of the Colorado Revised Statutes to "applicable licensing board" and "board" and replaces those references with the term "regulator", which is defined, for purposes of the regulation of professions and occupations under title 12, as the entity with regulatory authority concerning a particular profession or occupation.

APPROVED by Governor April 15, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-173 Telepharmacies - registration as prescription drug outlets - location - supervision - definitions. The act removes telepharmacies from the definition of "other outlet" under current law and removes the geographic restriction requiring that a telepharmacy outlet be located more than 20 miles from the nearest prescription drug outlet or another telepharmacy.

The act requires telepharmacies to be registered as "prescription drug outlets", instead of other outlets, and to be located in an area of need. An "area of need" is any health facility licensed or certified by the department of public health and environment or any area where a demonstration of need is approved by the state board of pharmacy (board). A telepharmacy outlet must have a pharmacist manager and must be under the direct charge or control of the pharmacist manager or licensed pharmacist delegate who provides remote supervision to the telepharmacy outlet.

The act authorizes the board to adopt limited rules to specify additional enumerated criteria to facilitate the operation of telepharmacy outlets, including, in part, the number of telepharmacy outlets that may be operated by a central pharmacy.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-181 Behavioral health administration - behavioral health-care provider workforce plan - creation - requirements - division of professions and occupations - recommendations concerning telehealth - workforce standards - SMART Act report - community college system report - American rescue plan act of 2021 - appropriations. The act requires the behavioral health administration (BHA) in the department of human services (department) to create and implement a behavioral health-care provider workforce plan on or before September 1, 2022.

The plan must:

- Include recruitment methods to increase and diversify the behavioral health-care provider workforce;
- Require the BHA to partner with the department of higher education to better prepare the future behavioral health-care provider workforce for public sector service, to develop paid job shadowing and internship opportunities, and to develop partnerships with learning facilities and training centers;
- Include strategies for the BHA to work with community colleges and other institutions of higher education to recruit residents of health professional shortage areas, with the goal of educating these individuals in behavioral health-care fields so that they will return to practice in areas of need;
- In collaboration with institutions of higher education, the community college system, the department of higher education, and the work force development council, create a new program to help behavioral health-care providers advance in their respective fields;
- Require the BHA to expand the peer support professional workforce;
- Include proposals to work with law enforcement organizations to cross-train first responders in behavioral health, increase cultural competencies, and

- reduce the stigma of receiving mental health services; and
- Through an interagency agreement with other state agencies, raise awareness among health-care providers concerning opportunities to invest in and strengthen their behavioral health-care staff.

The act requires the division of professions and occupations in the department of regulatory agencies (DORA) to make recommendations to expand the portability of existing credentialing requirements and behavioral health-care practice through telehealth.

The act requires the BHA to:

- In collaboration with DORA, establish workforce standards that strengthen the behavioral health-care provider workforce and increase opportunities for unlicensed behavioral health-care providers;
- Work with other state agencies to reduce the administrative burden across agencies to ensure behavioral health-care providers have additional time to focus on patient care;
- Collaborate with other state agencies on behavioral health-care issues;
- Use the learning management system to develop and implement a comprehensive, collaborative, and cross-system training certification and training curriculum of evidence-based treatment and evidence-based criminal justice approaches for behavioral health-care providers working in programs to obtain a criminal justice treatment provider endorsement; and
- Develop methods to strengthen Colorado's current behavioral health-care provider workforce.

In 2023 and 2024, the department is required to provide an overview of the BHA's progress toward addressing the behavioral health-care provider workforce shortage during the hearings held prior to the regular session of the general assembly under the "SMART Act".

On or before January 1, 2023, and January 1, 2024, the community college system is required to submit a report to the BHA that includes a summary of the behavioral health career pathway and its implementation.

Pursuant to the relief authorized by the federal American Rescue Plan Act of 2021, for the 2022-23 state fiscal year, the act, appropriates the following amounts from the behavioral and mental health cash fund for the purposes of the act:

- \$36,806,984 to the department for use by the BHA;
- \$20,000,000 to the department of public health and environment for use by the primary care office to provide loan repayment and scholarships for behavioral health-care providers and candidates for licensure who are participating in the Colorado health service corps; and
- \$15,193,018 to the department of higher education.

APPROVED by Governor June 8, 2022

EFFECTIVE July 1, 2022

S.B. 22-219 Dental therapy - practice without a license prohibited - licensure requirements - supervision by licensed dentist required - professional liability insurance - advanced standing in an accredited dental therapy program - dental board composition - appropriation.

On and after May 1, 2023, the act prohibits a person from practicing dental therapy in the state unless licensed by the Colorado dental board (board). A licensed dental therapist is authorized to deliver routine and preventive dental care.

A person who desires to qualify for practice as a dental therapist must file with the board a written application for a license, proof of graduation from a school of dental therapy or a dental therapy program that meets the requirements of the act, and proof of completion of a clinical examination for dental therapy that:

- Is designed to test the applicant's clinical dental therapy skills and knowledge;
- Includes dental therapy restorative and dental hygiene clinical skill evaluation; and
- Is administered by a regional testing agency composed of at least 4 states or an examination of another state.

A dental therapist is allowed to practice only under the direct supervision of a licensed dentist until the dental therapist practices for 1,000 hours. After reaching 1,000 hours, the dental therapist may practice under the indirect supervision of a licensed dentist pursuant to a written articulated plan. The articulated plan must include:

- Methods of dentist supervision, consultation, and approval;
- Protocols for informed consent, record keeping, quality assurance, and dispensing or administering medications;
- Policies for handling referrals when a patient needs services the dental therapist is not authorized or qualified to provide;
- Protocols for assessment of dental disease and the formulation of an individualized treatment plan authorized by the supervising dentist;
- Policies for handling medical emergencies; and
- Policies for supervising dental assistants and working with dental hygienists and other dental practitioners and staff.

A licensed dental therapist must maintain professional liability insurance in an amount not less than \$500,000 per incident and \$1.5 million annual aggregate per year; except that this requirement is not applicable to a dental therapist who is a public employee under the "Colorado Governmental Immunity Act".

A state institution of higher education offering an accredited dental therapy training program may grant advanced standing toward completion of an accredited dental therapy program if a student meets the conditions specified in the act.

Effective July 1, 2031, the act modifies the composition of the board by replacing 2 members, one dental hygienist and one member representing the public at large, with 2 dental therapists.

To implement the act, for the 2022-23 state fiscal year, \$14,786 is appropriated to the department of regulatory agencies from the division of professions and occupations cash fund for reappropriation to the department of law.

APPROVED by Governor June 7, 2022

EFFECTIVE January 1, 2023

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-226 Health-care workforce - support - health-care workforce resilience and retention program - practice-based health education grant program - in-demand short-term health-care credentials program - data sharing -nurse-physician advisory task force recommendations - school nurse grant program changes - appropriations. The act creates the health-care workforce resilience and retention program (program) using existing initiatives to ensure that Colorado's health-care workforce is supported in order to meet the health-care demands of Coloradans and to support the resilience, well-being, and retention of health-care workers. The program is authorized to seek and expend gifts, grants, and donations to support the program. The program is exempt from the procurement code. The act appropriates \$2 million from the economic recovery and relief cash fund for the program.

The act creates the practice-based health education grant program (grant program) to increase practice-based training opportunities necessary for health profession students enrolled in accredited Colorado schools to complete degree requirements and become licensed to practice or program participants enrolled in other training or residency programs offered by a public or nonprofit Colorado medical school or accredited residency program to gain hands-on experience in pursuit of a license in the health-care field. The primary care office in the department of public health and environment administers the grant program and shall conduct a stakeholder engagement process to determine key operational components of the grant program policies and procedures. The act appropriates \$20 million from the economic recovery and relief cash fund for the grant program.

The act directs the state board for community colleges and occupational education (board) to administer the in-demand short-term health-care credentials program in order to support the expansion of available health-care professionals. The bill appropriates \$26 million from the economic recovery and relief cash fund for these programs. The board shall allocate funds to community colleges, area technical colleges, local district colleges, and community not-for-profit organizations that deliver hybrid programming that leverages place-based supports in partnership with local district colleges, community colleges, and area technical colleges through reimbursement based on students enrolled in eligible programs for fiscal years 2022-23 to 2025-26 to:

- Provide assistance for tuition, fees, and course materials for eligible programs;
- Support alignment with existing efforts, such as apprenticeship and work-based learning, for students to earn eligible program credentials that lead into health-care careers such as nursing; and
- If unexpended resources exist or if the program use is less than anticipated, to expand eligible programs in allied health based on in-demand credential needs or include high school equivalency support and attainment for students without a high school degree who participate in the program.

The act requires the primary care office and the governor's office of information technology to work through the government data advisory board to determine data-sharing agreements that integrate data collected by the state under existing authorities that may inform the analysis of need, allocation of resources, and evaluation of performance of state-administered or state-financed health workforce planning or development initiatives.

Under current law, a nurse who holds a volunteer nurse license cannot get paid for nursing tasks. The act removes this limitation.

The act directs the nurse-physician advisory task force for Colorado health care to

make recommendations on:

- Alignment of health-care licensing with federal statutory minimums;
- Identification of unnecessary regulatory burdens or barriers;
- Regulatory reforms that support health-care licensees to work at their full scope of practice; and
- Feasibility of temporary candidate licenses for students nearing the completion of an accredited health-care program.

The act makes the following changes and additions to the school nurse grant program:

- Repeals the requirement of a 5-year grant cycle;
- Requires that the grant supplement, not supplant, funding for school nurse positions existing in the local education provider's most recent fiscal year prior to applying for a grant;
- Directs the department of public health and environment to annually award grants; and
- Appropriates \$3 million to the department of public health and environment for the grant program from the economic recovery and relief cash fund.

The act appropriates \$10 million from the economic recovery and relief cash fund to the department of public health and environment. The department shall use this appropriation for recruitment, re-engagement efforts of workers in the health-care profession with current or expired licenses, and staffing.

APPROVED by Governor May 18, 2022

EFFECTIVE May 18, 2022

H.B. 22-1050 International medical graduates - integration into health-care workforce - assistance and clinical readiness programs - requirements for state licensure. Section 1 of the act makes legislative declarations and findings regarding the shortage of health-care providers in the state, the presence of qualified, internationally trained medical professionals in the state, the ability of those professionals to assist the state in addressing health-care workforce needs, the barriers to entry into the health-care workforce these professionals face, and the need to reduce those barriers to facilitate the integration of these professionals into the state's health-care workforce.

Section 2 establishes the following 2 programs in the department of labor and employment (CDLE) to assist international medical graduates (IMGs) seeking to integrate into the state's health-care workforce:

- The IMG assistance program, the purpose of which is to provide direct services to IMGs, including a review of an IMG's education, training, and experience to recommend appropriate next steps for integrating the IMG into the state's health-care workforce; technical support and guidance through the credential evaluation process; and scholarships to assist in defraying the costs of the medical licensure process; and
- The clinical readiness program, the purpose of which is to provide a curriculum for and assessments of IMGs to help them build the skills necessary to enter a medical residency program.

Section 2 also directs the executive director of CDLE to include in CDLE's annual

report to the general assembly pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" information about the IMG assistance program, the clinical readiness program, and any progress made in addressing barriers IMGs face in securing positions in medical residency programs. To fund the programs, the act also authorizes the general assembly to appropriate money from the general fund or other sources and authorizes the CDLE to seek, accept, and expend gifts, grants, and donations from private and public sources. The act precludes the CDLE from implementing the programs unless sufficient amounts are received to fund the costs of the programs.

With regard to requirements for licensure under the "Colorado Medical Practice Act" (medical practice act):

- Section 3 defines "IMG" for purposes of the medical practice act;
- Section 4 reduces the length of postgraduate clinical training that an IMG must complete to qualify for a medical license from up to 3 years to one year; and
- Section 5 allows an IMG to obtain a reentry license if the IMG has a current or expired international medical license and meets Colorado medical board-specified qualifications and requirements, including an assessment of the IMG's competency to practice.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

H.B. 22-1073 Funeral establishments - crematories - inspections. The act authorizes the director of the division of professions and occupations to enter the premises of registered funeral establishments and crematories during business hours to conduct inspections. The director may contract with a third party to perform the inspection.

APPROVED by Governor March 21, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1076 Hearing aid providers - hearing instruments and assistive devices - telehealth. The act specifies that a hearing aid provider may prescribe, select, and fit hearing instruments and assistive devices in person or through the use of telehealth.

APPROVED by Governor April 4, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1098 Director of professions and occupations - audit of practice acts - applicants for licensure, certification, and registration with a criminal history record - determination of disqualification - notice to applicant - appropriation. The act requires the director of the division of professions and occupations (director) in the department of regulatory agencies to complete, on or before June 1, 2023, an audit of the regulated professions and occupations and the regulation of various professions and occupations by regulators of a specific profession or occupation (regulator) to determine what barriers exist for licensing,

certification, and registration of individuals with criminal history records and, on or before July 1, 2023, to report the findings to the general assembly.

The act limits the authority of a regulator to deny a license, certification, or registration based on an applicant's criminal history record ~~on~~ by requiring the hearing and mediation process established in current law. A regulator is required to document the grounds for the denial of the license, certification, or registration in writing to the applicant.

The act clarifies that a regulator may grant a conditional license, certification, or registration to an applicant with a criminal history record consistent with the process established in current law.

The director is required to compile de-identified information regarding the reasons why a license, certification, or registration was denied and make this information available to the public on the division's website.

The act requires state and local agencies responsible for issuing occupational or professional credentials (occupational agency), before making a final determination that an applicant's criminal conviction disqualifies the applicant from receiving a license, certification, permit, or registration, to provide a written notice to the applicant specifying the reason for the disqualification and the right of the applicant to submit additional evidence for the occupational agency to consider before making a final determination. A final determination to disqualify an applicant based on a criminal conviction must be issued in writing and include notice of the applicant's right to appeal the determination and the earliest date on which the applicant may reapply.

The act appropriates \$11,036 from the division of professions and occupations cash fund to the department of regulatory agencies for use by the division of professions and occupations.

APPROVED by Governor May 25, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1115 Prescribers - prescription drug monitoring program - program query - attestation of registration and maintenance - designee access - integration organization solicitation - reimbursement for electronic medical record integration - appropriation. The act:

- Clarifies that every prescriber must query the prescription drug monitoring program (program) prior to filling a prescription for an opioid or benzodiazepine;
- Requires each prescriber and pharmacist to attest that they have registered and are maintaining a user account with the program and that they are aware of the penalties for noncompliance;
- Allows a practitioner or pharmacist who is registered with the program to authorize an unlimited number of designees to access the program on the practitioner's or pharmacist's behalf if the designees meet the eligibility criteria and to register those designees in a group designee user account. The practitioner or pharmacist is required to approve, maintain, and track the identifying information of each authorized designee in the group designee user

account.

- Requires the division of professions and occupations (division) to solicit applications from public and private integration organizations and, on or before January 1, 2023, approve qualified integration organizations that practitioners and pharmacists may use to integrate the program with patient electronic medical records; and
- Subject to available funding, requires the division to implement a process whereby practitioners and pharmacists may apply for and receive reimbursement from the division for all or a portion of the costs of integrating the program with electronic medical records.

\$2,016,475 is appropriated from the prescription drug monitoring fund to the department of regulatory agencies for use by the division of professions and occupations.

APPROVED by Governor June 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1212 Conveyances - mechanics, contractors, and inspectors - continuance under sunset law. The act continues the regulation of conveyances and conveyance mechanics, contractors, and inspectors by the director of the division of oil and public safety within the department of labor and employment for 9 years, until September 1, 2031.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

H.B. 22-1213 Regulation of speech-language pathologists - continuation under sunset law - extension of provisional certification term - addition of insurance fraud and abuse to disciplinary grounds. The act implements the recommendations of the department of regulatory agencies (department), as specified in the department's sunset review of the "Speech-language Pathology Practice Act", as follows:

- Continues the practice act for 11 years, until September 1, 2033;
- Allows the director of the division of professions and occupations in the department to extend a provisional certification beyond 24 months; and
- Specifies that insurance fraud and abuse are grounds for discipline.

APPROVED by Governor May 31, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1226 Massage therapists - regulation - continuation under sunset law - examination - grounds for discipline. The act implements the recommendations of the department of regulatory agencies' (department) sunset review and report on the licensing of massage therapists by:

- Continuing the licensing requirements for 9 years, until September 1, 2031;
- Granting sole discretion to the director of the division of professions and occupations to approve the licensure examination for massage therapists by repealing the reference to national licensure examinations as an option for

- Adding, as grounds for disciplining a massage therapist, engaging in fraud, misrepresentation, deception, or cheating in taking or furnishing the results of a required examination or having the person's score on the examination invalidated by the testing provider because the person was determined to have cheated or engaged in fraud, misrepresentation, or deception in taking the examination.

APPROVED by Governor April 12, 2022

EFFECTIVE September 1, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1227 Health-care work force data advisory group - repeal under sunset law. The act implements the recommendation of the department of regulatory agencies, as specified in the department's sunset review of the health-care work force data advisory group, to sunset the advisory group.

APPROVED by Governor April 12, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1233 Regulation of optometry - expansion of the scope of the practice of optometry - requirements for licensure - requirements to perform certain procedures and treatments - continuation under sunset law. The act implements the recommendations of the department of regulatory agencies (department), as specified in the department's sunset review of the state board of optometry (board), with modifications, by:

- Continuing the board and the regulation of optometry for 11 years, until September 1, 2033;
- Adding certain treatments and procedures to the scope of the practice of optometry;
- Removing the exemption for optometrists from the requirement to notify the board in the event that the optometrist is unable to treat patients with reasonable skill and safety;
- Removing references to the "National Board of Examiners in Optometry" and clarifying that the board may designate any national standardized examination that tests the applicant's ability to practice optometry as a requirement for licensure; and
- Requiring an optometrist licensed by the board to complete certain education, examination, and reporting requirements to perform laser procedures or treat ocular adnexa.

APPROVED by Governor June 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1235 Veterinary practice - regulation - continuation under sunset law - modifications to the practice act - rabies administration - expansion of board of veterinary medicine - continuing education requirements - peer health assistance program - veterinary technician registration - appropriation. The act implements recommendations of the department of regulatory agencies (department), as specified in the department's sunset review of and report on the "Colorado Veterinary Practice Act" (practice act), as follows:

- Continues the practice act for 11 years, until September 1, 2033;
- Requires a veterinarian to notify the board of veterinary medicine (board) if the veterinarian suffers from a physical illness or condition or a behavioral or mental health disorder that renders the veterinarian unable to practice with reasonable skill and safety;
- Repeals the requirement that the board send a letter of admonition by certified mail;
- Requires veterinarians to create a written plan for the storage, security, and disposal of patient records; and
- If the board has reasonable cause to believe a veterinarian is unable to practice with reasonable skill and safety due to a physical condition, authorizes the board to order the veterinarian to submit to an examination and to suspend the veterinarian's license for failing to comply with the board's order.

The act makes other amendments to the practice act as follows:

- Authorizes a person who is not a licensed veterinarian in this state to administer rabies vaccinations in a clinic setting under direct supervision of a licensed veterinarian, or through the indirect supervision of a licensed veterinarian if the person is working on behalf of an animal shelter for shelter-owned animals, if the person has been trained in rabies vaccine storage, handling, and administration and in the management of adverse events;
- Adds two members to the board who are veterinary technicians;
- Requires credit hours of practice act jurisprudence as part of veterinarians' continuing education program and permits veterinarians to take nonbiomedical courses as part of the program; and
- Repeals and reenacts the veterinary peer health assistance program to allow veterinary technicians access to the program and to require veterinary professionals, including veterinary technicians, to self-refer to the program upon arrest for a drug- or alcohol-related crime.

The act also creates the regulation of veterinary technicians. Effective January 1, 2024, a person who practices as a veterinary technician in this state must be registered by the board. To be registered, a person must have and maintain a credential in good standing from a national veterinary technician credentialing organization. For an individual who is not yet nationally credentialed but who has been practicing as a veterinary technician, the board may issue a provisional registration of limited duration under specified circumstances. Veterinary technicians are subject to discipline by the board for engaging in conduct that is grounds for discipline.

The act gives title protection to veterinary technicians and grants standard registration, rule-making, and disciplinary powers to the board. The act also repeals the regulation of veterinary technicians on September 1, 2033, subject to and consistent with the sunset review of the practice act.

The act replaces the term "humane society" with "animal shelter" to update and make terminology in the practice act and other statutes consistent.

For the 2022-23 state fiscal year, the act appropriates \$80,708 to from the division of professions and occupations cash fund to the department for use by the division of professions and occupations to implement the act.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1246 Pharmacies - hospice inpatient unit - registration - specialized prescription drug outlet - appropriation. The act allows a pharmacy located within a hospice inpatient unit to register as a specialized prescription drug outlet for the purposes of providing drugs, devices, and pharmacist services to the residents of the hospice inpatient unit.

\$53,611 is appropriated from the division of professions and occupations cash fund to the department of regulatory agencies for use by the division of professions and occupations.

APPROVED by Governor June 8, 2022

EFFECTIVE June 8, 2022

H.B. 22-1261 Board of real estate appraisers - regulation of practice of real estate appraisal - continuation under sunset law - rules governing performance of an evaluation - hours of continuing education - maximum administrative penalty amount reduced. The act implements most of the recommendations of the department of regulatory agencies, as contained in the department's sunset review of the board of real estate appraisers (board), as follows:

- Continues the board for 9 years, until September 1, 2031;
- Requires the board to adopt rules to authorize an exemption from compliance with the uniform standards of professional appraisal practice that would allow an appraiser to perform an evaluation instead of a full appraisal for a federally regulated financial institution and authorizes an appraiser to conduct an evaluation in accordance with the board's rules;
- Amends statute to comport with federal law, including updating the number of appraisers with which a licensed appraisal management company does business, updating the qualifications for licensure to require the minimum appraisal experience required by the Appraiser Qualifications Board of the Appraisal Foundation or its successor organization, clarifying that the federal regulating authorities that regulate a financial institution are exempted from state registration or licensure, and aligning the hours of continuing education required for reactivation of an inactive license with the number of hours required by the Appraiser Qualifications Board;
- Repeals the requirement that the board send letters of admonition by certified mail; and
- Clarifies that fines are assessed on a per-violation basis and reduces the maximum penalty from \$2,000 to \$1,000, which maximum penalty applies to

any violation.

APPROVED by Governor June 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1263 Acupuncture - licensing requirements - continuation under sunset law - disciplinary actions - appeal - acupuncture aides - supervision - patient records - disposal - auricular acudetox training standards - medical acupuncturist - title protection - grounds for discipline - telehealth - rules. The act makes changes to the acupuncturists' practice act, including the changes recommended by the department of regulatory agencies' (department) sunset review and report on the licensing of acupuncturists, by:

- Continuing the licensing requirements for 11 years, until September 1, 2033;
- Authorizing the director of the division of professions and occupations (director) in the department to impose administrative fines as a disciplinary action;
- Requiring final actions of the director to be appealed directly to the court of appeals;
- Modernizing the definition of "acupuncturist" so that it includes only persons licensed under the acupuncturists' practice act and modernizing the titles and designations protected for use by licensed acupuncturists;
- Authorizing an acupuncturist to supervise unlicensed acupuncture aides in the performance of specific tasks as determined by rule of the director and directing the director to adopt rules specifying the tasks that may be performed by acupuncture aides, the training and supervision required, and the number of acupuncture aides that an acupuncturist may supervise;
- Replacing the term "oriental", in references to the methods and concepts of acupuncture, with more modern terminology;
- Requiring each acupuncturist to devise a plan for the safe storage, security, and disposal of patient records;
- Requiring each applicant for acupuncturist licensure to pass an examination approved by the director;
- Repealing the reference to the specific national organization that establishes standards for auricular acudetox training and allowing the director to designate a national organization;
- Making it a unlawful act for a person to use the term "medical acupuncturist" or other similar term unless the person is practicing in accordance with medical practice act;
- Updating the grounds for discipline of an acupuncturist relating to the use or abuse of alcohol, habit-forming drugs, and controlled substances to align with other regulated professions;
- Adding as a grounds for discipline the failure to respond to a complaint filed against the acupuncturist in an honest, responsive, and timely manner; and
- Authorizing the director to adopt rules to establish the appropriate use of telehealth to provide acupuncture services.

APPROVED by Governor May 26, 2022

EFFECTIVE September 1, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

H.B. 22-1267 Office of health equity - culturally relevant and affirming health-care training grant program - priority populations - health-care provider training - dissemination of training information by regulators of health-care professions - appropriation. The act requires the office of health equity (office) in the department of public health and environment to:

- On or before January 1, 2023, create a culturally relevant and affirming health-care training grant program (program) to provide money to nonprofit entities and statewide associations of health-care providers to develop new, culturally responsive training programs for priority populations; and
- Contract with a third-party administrator to administer the program.

"Priority populations" is defined as people experiencing homelessness; people involved with the criminal justice system; black people, indigenous people, and people of color; American Indians and Alaska natives; veterans; people who are lesbian, gay, bisexual, transgender, queer, or questioning; people of disproportionately affected sexual orientations and gender identities; people who have AIDS or HIV; older adults; children and families; and people with disabilities, including people who are deaf and hard of hearing, people who are blind and deafblind, people with brain injuries, people with intellectual and developmental disabilities, people with other co-occurring disabilities; and other populations as deemed appropriate by the office of behavioral health.

The third-party administrator is required to:

- Issue a grant application for nonprofit entities and statewide associations of health-care providers who wish to participate in the program to develop culturally relevant and affirming health-care training for health-care professionals; and
- Submit the list of the qualified applicants for the program to the health equity commission in the office for approval.

Each regulator in the division of professions and occupations in the department of regulatory agencies for the applicable health-care professional is required to provide information concerning the training courses available to the licensee, certificate holder, or registrant. The regulator is required to encourage participation in the training courses.

\$900,000 is appropriated from the general fund to the department of public health and environment for allocation to the office to administer and support the program.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1298 Licensure fee relief - nurses, nurse aides, and psychiatric technicians - transfer from general fund. The act directs the state treasurer to transfer \$11,720,278 from the general fund to the division of professions and occupations cash fund for use beginning in the 2022-23 state fiscal year and until fully expended to fund the expenses of the state

board of nursing in order to facilitate fee relief for nurses, nurse aides, and psychiatric technicians.

APPROVED by Governor May 18, 2022

EFFECTIVE May 18, 2022

H.B. 22-1299 Licensure fee relief - mental health professionals - transfer from general fund. The act directs the state treasurer to transfer \$3,698,586 from the general fund to the division of professions and occupations cash fund for use beginning in the 2022-23 state fiscal year and until fully expended to fund the expenses of the state board of psychologist examiners, the state board of social work examiners, the state board of marriage and family therapist examiners, the state board of licensed professional counselor examiners, the state board of unlicensed psychotherapists, and the state board of addiction counselor examiners in order to facilitate fee relief for mental health professionals regulated by those boards.

APPROVED by Governor May 17, 2022

EFFECTIVE May 17, 2022

H.B. 22-1307 Mental health providers - not subject to liability for legal dispensing of opiate antagonists - licensee candidates subject to discipline - definition of registrant - practice of religious ministry - deletion of obsolete language. The act adds mental health professional to the list of individuals and entities that are not held liable for dispensing an opiate antagonist in accordance with the law and updates the definition of "mental health professional" by clarifying that the term includes unlicensed psychotherapists.

In the legislative declaration of the mental health practice act, the act adds clinical social worker candidates and addiction counselor candidates to the list of mental health licensee candidates who are subject to disciplinary actions and injunctions by their respective regulatory boards.

For the purposes of the practices acts regulating mental health providers, the act updates the definition of "registrant" to include marriage and family therapist candidates and addiction counselor candidates. The act also adds unlicensed psychotherapists to the list of mental health professionals who cannot administer or prescribe drugs or practice medicine.

Current law prohibits a person who practices religious ministry from publicly claiming to be any of certain licensed, certified, or registered mental health professional unless the person possesses the proper credentials. The act adds certified addiction specialists and certified addiction technicians to the list of such mental health professionals.

Obsolete language is deleted from the social worker practice act, the marriage and family therapist practice act, the licensed professional counselor practice act, and the addiction counselor practice act concerning the initial appointment of members to their respective regulatory boards.

The act replaces the term "psychotherapists" with the term "mental health professionals" in the definition of "marriage and family therapy practice".

APPROVED by Governor May 20, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

H.B. 22-1309 Health-care professionals - authority of hospital employees to dispense drugs to sexual assault victims. The act allows a hospital employee or agent to dispense a 7-day to 28-day supply of drugs for prophylaxis of sexually transmitted infections to an emergency room patient who is a victim of sexual assault.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

H.B. 22-1346 Electricians and plumbers - enforcement of licensing and supervision ratio requirements - authority to apply for electrical or plumbing permit - appropriation. Sections 1 and 5 of the act authorize the director of the division of professions and occupations (division) in the department of regulatory agencies to appoint or employ individuals who are licensed or, if not licensed, who demonstrate substantial work experience in the electrical, plumbing, or construction industry to:

- Conduct compliance checks to ensure compliance with licensing and supervisor-to-apprentice ratio requirements applicable to electricians and plumbers on projects throughout the state; and
- Prioritize for compliance checks projects that provide or will provide critical needs to state residents.

The act also:

- Specifies that only a homeowner performing work on the homeowner's home or a licensed master electrician or plumber who is either a registered electrical or plumbing contractor or directly employed by a registered electrical or plumbing contractor may apply for an electrical or a plumbing permit (sections 2 and 6);
- Prohibits a licensed master electrician or plumber who is not a registered electrical or plumbing contractor and who is working as an independent contractor from applying for an electrical or a plumbing permit (sections 2 and 6) and makes a violation of this prohibition specific grounds for discipline by the electrical or plumbing board, as applicable (sections 3 and 4);
- Requires the entity issuing the permit to verify that the applicant meets the qualifications to apply for the permit (sections 2 and 6); and
- Requires inspecting entity procedures to include a provision allowing the inspecting entity to request worker documentation indicating compliance with worker license requirements and the supervisor-to-apprentice ratio (sections 2 and 6).

Section 7 of the act appropriates \$191,991 for the 2022-23 state fiscal year from the division of professions and occupations cash fund to the department of regulatory agencies to implement the act, allocated as follows:

- \$127,110 for use by the division for personal services, including 2.0 additional FTE;
- \$45,847 for the division's operating expenses; and
- \$19,034 for the purchase of vehicle lease services, which amount is

reappropriated to the department of personnel to provide vehicle replacement lease/purchase services.

APPROVED by Governor June 8, 2022

EFFECTIVE January 1, 2023

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1399 Music therapists - unlawful use of title or credential - deceptive trade practice. The act makes it a deceptive trade practice under the "Colorado Consumer Protection Act" if a person claims to be a "board-certified music therapist" or "music therapist", uses the title "music therapist", uses the abbreviation "MT-BC", or in any other way indicates or implies that the person is a music therapist unless the person holds an active music therapist board-certified credential administered by the Certification Board for Music Therapists.

The act does not prohibit a person from performing work, including the use of music, incidental to the person's profession or occupation, if that person does not represent that the person is a music therapist.

Any person who unlawfully claims to be a music therapist commits a class 2 misdemeanor. The act clarifies that the attorney general or district attorney may seek assurance of discontinuance of the deceptive trade practice or other remedies or penalties prior to charging a person with a misdemeanor.

Vetoed by Governor May 27, 2022

PROPERTY

S.B. 22-59 Common interest communities - unit owners' association meetings - proxy voting. Under current law, a unit owner living in a common interest community (community) may grant another unit owner in the community a proxy to vote on behalf of the first unit owner at a unit owners' association (association) meeting. Also under current law, the proxy terminates after 11 months unless the proxy itself provides for an earlier or later termination date. The act limits the maximum duration of a proxy to 11 months.

APPROVED by Governor March 21, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-160 Mobile home parks - mobile home park resident empowerment loan and grant program - appropriation. The act establishes a revolving loan and grant program to provide assistance and financing to mobile home owners seeking to organize and purchase their mobile home parks. The division of housing (division) in the department of local affairs (department) is required to contract with at least 2, and not more than 3, loan program administrators, unless the division determines that there is only one qualified applicant during an open and competitive selection process, in which case the division may contract with a single administrator.

The administrators are required to use money provided by the loan program to make loans to mobile home owners seeking to purchase their mobile home parks. The division is required to establish a grant program to provide grants to nonprofit organizations that provide technical and other assistance to eligible home owners seeking to organize to purchase their mobile home parks. The division is also required to establish a grant program to provide grants to eligible home owners to support programs to ensure the long term affordability of a resident-owned park, including by stabilizing lot rents and limiting rent increases.

The mobile home park resident empowerment loan and grant program fund (fund) is created. The state treasurer is required to transfer \$35 million of money from the affordable housing and home ownership cash fund that originates from the general fund to the fund. The money in the fund is continuously appropriated to the department to implement the loan and grant program; except that \$384,019 is reappropriated to the office of the governor for use by the office of information technology to provide information technology services for the department and \$29,571 is reappropriated to the department of law to provide legal services to the department.

APPROVED by Governor May 17, 2022

EFFECTIVE May 17, 2022

S.B. 22-229 Real property - mortgages and trust deeds - release of deed of trust by public trustee. Under current law, with limited exceptions, a public trustee must release a deed of trust upon the satisfaction of certain preconditions, one of which is the production of the original canceled evidence of debt such as a note or bond as evidence that the indebtedness secured by the deed of trust has been paid. To this requirement, the act adds another exception. That is, a holder of the original evidence of debt may request the release of a deed of trust without producing or exhibiting the original evidence of debt if the holder:

- Agrees to indemnify and defend the public trustee against any claim for damages resulting from the action of the public trustee taken in accordance with the request;
- Provides the public trustee a current address for the original grantor, assuming party, or current owner when requesting the release of the deed of trust; and
- Files the request for the release of the deed of trust electronically via the county's electronic recording system.

The act also removes language requiring a title insurance company to be "qualified" as well as licensed in Colorado for certain purposes relating to the release of a deed of trust.

Further, the act makes necessary changes to the statutory form that is used to request a deed of trust without producing the evidence of debt.

APPROVED by Governor June 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1040 Common interest communities - owner's associations - access to common elements of the community. Current law states that, with certain exceptions, a unit owners' association (association) of a common interest community (community) may regulate the use of common elements of the community (common elements). The act states that, in regulating the use of common elements, an association shall preserve and protect unit owners' ability to use and enjoy common elements and shall not unreasonably restrict or prohibit unit owners' access to, or enjoyment of, any common element. During maintenance, repair, replacement, or modification of a common element, an association may restrict or prohibit unit owners' access to, and enjoyment of, a common element only to the extent and for the length of time necessary to:

- Protect the safety of any individuals, including unit owners and individuals performing the maintenance, repair, replacement, or modification of the common element; or
- Preserve the structural integrity or condition of a repair, replacement, or modification.

If an association must restrict or prohibit unit owners' access to one or more common elements for more than 72 hours, the association shall provide an electronic or written notice to each unit owner and post a visible, clearly legible notice at each physical access point to the common element, which notice includes:

- A simple explanation of the reason for the restriction or prohibition;
- An indication of the estimated time or date upon which the restriction or prohibition will no longer exist; and
- A telephone number or e-mail address whereby a unit owner may pose questions or concerns about the restriction or prohibition for the consideration of the association.

APPROVED by Governor April 12, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

H.B. 22-1137 Common interest communities - unit owners' associations - rights, responsibilities, and procedures related to an association's actions to recover delinquent payments - notice requirements - limitation on fines, attorney fees, and interest - repayment plans - limitations on foreclosure - availability of small claims court - civil action for violation of foreclosure law. With regard to a unit owner's delinquency in paying unit owners' association (HOA) assessments, fines, or fees, section 1 of the act:

- Requires an HOA to first contact the unit owner regarding the delinquency by, in addition to sending a notice of delinquency to the unit owner by certified mail and by posting a copy of the notice on the unit owner's property, contacting the unit owner by at least one other method of communication, including first-class mail, an e-mail, or a text message. The HOA must keep records of its contacts to the unit owner regarding the delinquency. The unit owner may identify a language other than English in which the unit owner wants the HOA to send all correspondence and notices to the unit owner. The unit owner may also identify another person to serve as a designated contact for the unit owner.
- Prohibits an HOA, or a property management company acting on behalf of an HOA, from referring the delinquent account to a collection agency or attorney unless a majority of the HOA's board of directors vote to refer the matter on the record at a hearing;
- Prohibits an HOA from imposing daily late fees or fines and requires the HOA to provide a unit owner a period to cure a violation of any HOA governing documents before the HOA may fine the unit owner and, with respect to a violation that is not a threat to public safety or health, to provide the unit owner 2 30-day periods to cure the violation before the HOA may take legal action against the unit owner, which legal action for unpaid fines cannot include foreclosure. A violation that the HOA reasonably determines is a threat to public safety or health requires only a 72-hour period to cure before the HOA may fine the unit owner.
- Along with section 3, prohibits an HOA from charging a rate of interest on unpaid assessments, fees, or fines in an amount greater than 8% per year;
- Requires an HOA, on a monthly basis, to send each unit owner with an outstanding balance owed to the HOA an itemized list of all assessments, fines, fees, and charges owed;
- Prohibits an HOA from assessing a fee or other charge for providing the unit owner a statement of the total amount that the unit owner owes the HOA;
- Requires an HOA to adopt a policy to provide, with a notice of delinquency, information regarding an alleged violation, a description of the steps that the HOA must take before it can take legal action against the unit owner, and a description of the types of legal action that the HOA may take against the unit owner;
- Before an HOA may initiate a foreclosure action against a unit owner, requires that the HOA offer the unit owner a repayment plan to pay the debt in monthly installments in an amount determined by the unit owner so long as installments are in amounts of \$25 or greater, and the unit owner either declines the offer or, after accepting the offer, fails to make at least 3 monthly payments within 15 days after the installments were due; and
- Along with section 6, authorizes a party seeking to enforce rights or

responsibilities arising under an HOA's governing documents, in relation to the unit owner's delinquency, to file a claim in small claims court if the amount at issue does not exceed \$7,500 exclusive of interest and costs.

Section 2 authorizes the executive board of an HOA to conduct a disciplinary hearing or determine whether to refer a delinquency matter in executive session, but the unit owner who is the subject of the disciplinary hearing or referral of a delinquency matter may request and receive the results of the vote taken on the matter.

Section 4 provides that fees, charges, late fees, and attorney fees may be subject to a statutory lien but are not subject to foreclosure and places limitations on attorney fees. Section 4 also prohibits a member of an HOA's executive board, an employee of a community association management company representing the HOA, an employee of a law firm representing the HOA, or an immediate family member of an executive board member, a community association management employee, or a law firm employee from purchasing a unit on which the HOA has foreclosed its assessment lien.

Section 5 requires an HOA to apply a unit owner's payments first to any unpaid assessments and then to any unpaid fines, fees, or charges. Section 5 also allows a unit owner to file a civil action against an HOA if the HOA violates any foreclosure laws. The unit owner may seek damages in an amount up to \$25,000 plus costs and reasonable attorney fees.

APPROVED by Governor June 3, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1139 Common interest communities - unit owners' associations - prohibition against regulating public rights-of-way. The act prohibits a common interest community's unit owners' association from regulating the use of a public right-of-way.

APPROVED by Governor May 6, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1218 Construction - energy efficiency - charging of electric vehicles. Section 1 of the act relocates existing statutes that require contractors to offer certain resource efficiency options when constructing certain buildings. Section 1 also requires certain new commercial buildings and multifamily residences to include electric vehicle charging as follows:

- If the building is 25,000 square feet or more or the building is part of a project that is 40,000 square feet or more of floor space in more than one building, with a total of 25 or more sets of living quarters or commercial units among all the buildings:
 - 25% of the parking spaces used by the occupants of the building must be EV capable, which means that the building is ready to run the wiring and install a 208 to 240 volt receptacle;
 - 10% of the parking spaces used by the occupants of the building must

- be EV ready, which means that each parking space has a working 208 to 240 volt receptacle; and
- If the building is multifamily housing with at least 3 units and at least 10 parking spaces, the building must have:
 - In 50% of the units, a parking space used by the occupants of the building that is EV capable;
 - In 20% of the units, a parking space used by the occupants of the building that is EV ready.

The act applies to the construction of a new high-occupancy building project or to the renovation of 50% or more of an existing high-occupancy building project and to:

- A contract executed on or after July 1, 2023, to construct a high-occupancy building project;
- The planning of or drafting for the design of a high-occupancy building project on or after August 10, 2022; and
- The laying out of or construction of a high-occupancy building project on or after August 10, 2022.

Section 3 requires a project to comply with these provisions to obtain a building permit. The state electrical board is required to set standards for waiving the requirement to comply with these provisions for renovations. Local governments that perform inspections may also issue such a waiver.

Vetoed by Governor June 7, 2022

H.B. 22-1287 Mobile home park residents - protections. The act amends the "Mobile Home Park Act" and the "Mobile Home Park Act Dispute Resolution and Enforcement Program" to:

- Require the landlord or the landlord's representative to attend up to 2 public meetings for residents of the park each year at the request of the residents;
- Clarify that a landlord is responsible for the cost of repairing any damage to a mobile home or lot that results from the landlord's failure to maintain the premises of the park;
- Clarify the triggering events that demonstrate a park owner's intent to sell a park for purposes of providing notice to home owners and the method for giving notice;
- Change the period in which a group or association of mobile home owners may make an offer to purchase the park from 90 to 180 days, and provide for tolling of that time period in certain circumstances;
- Provide a right of first refusal for a public entity that accepts an assignment of a group or association of mobile home owners' opportunity to purchase;
- Clarify the obligations of a landlord to provide notice to home owners concerning the terms and conditions of an offer to purchase the park that the landlord would accept and to negotiate in good faith with the home owners;
- Require a landlord who changes the use of the land comprising the park to compensate a mobile home owner who has not given notice to terminate the lease or rental agreement and who is displaced by the change in use for the reasonable costs of relocating the mobile home to a location within 100 miles of the park, the fair market value of the mobile home before the change in use,

or in the amount of \$7,500 for a single-section mobile home or \$10,000 for a multi-section mobile home;

- Allow the department to enforce statutory provisions concerning the required notice of intent to sell or change the use of the land and the mobile home owners' opportunity to purchase by imposing a fine for a violation or filing for injunctive relief in district court;
- Allow the attorney general to investigate and enforce statutory provisions providing protections for mobile home owners;
- Clarify the procedures and penalties that apply when a party does not respond to a subpoena from the division;
- Allow the division to take immediate action in response to complaints or violations that will cause immediate harm to mobile home owners;
- Prohibit landlords from harassing or coercing mobile home owners in an effort to require a mobile owner to sign an agreement or to influence a decision by the home owner about an opportunity to purchase;
- Establish criteria for when a mobile home park rule or regulation that limits a home owner's right to control the use, appearance, and structure of a mobile home is enforceable;
- Prohibit a landlord from interfering with the mobile home owner's right to sell a mobile home to the buyer of his or her choice, except in limited circumstances;
- Establish record retention requirements for landlords; and
- Consolidate provisions concerning private rights of action for landlords, home owners, and residents, and establish penalties and remedies available in private actions.

APPROVED by Governor May 26, 2022

EFFECTIVE October 1, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1387 Common interest communities - reserve study requirements for major shared components - funding for emergent life circumstances - application to pre-existing communities. The act requires mandatory reserve studies for common interest communities that have major shared components, including common elements or property that the unit owners' association (association) is responsible for maintaining, repairing, or replacing.

The act:

- Specifies the level of reserve study required and the necessary components of the reserve study at each level;
- Requires a declarant to obtain reserve studies commencing with the development of the common interest community and to provide reserve studies to potential purchasers of units in the common interest community in the seller's disclosures; and
- Requires the declarant to provide a reserve study at the time the declarant turns the common interest community property over to the association, along with reserve funds recommended by the reserve study.

The act defines "emergent life circumstances" and authorizes an association's executive board to obtain additional funding from unit owners to address dangerous

conditions if the reserve funds are not sufficient to address the conditions.

The act limits the investment of reserve funds in financial instruments that are not insured by a federal agency.

The act clarifies that certain reserve study requirements in the act apply to preexisting common interest communities with respect to events and circumstances occurring on or after July 1, 2024.

Vetoed by Governor May 27, 2022

PUBLIC UTILITIES

S.B. 22-110 Wind-powered energy generation facilities - requirement to equip new facilities with light mitigating technology - civil penalties. The act requires that an owner or operator of a new wind-powered energy generation facility (facility) install light mitigating technology (technology) at the facility if vertical construction of the first wind turbine included in the facility begins on or after April 1, 2022, and the owner or operator is required to obtain a land-use permit from a local government or is an independent power producer.

The act defines technology as a sensor-based system that is designed to detect approaching aircraft, that keeps the lights off when it is safe to do so, and that meets federal aviation administration (FAA) requirements. An owner or operator of a facility is responsible for obtaining FAA approval for the installation of approved technology and may request from the governing body of the local government an extension of time up to 24 months if the owner or operator can demonstrate that, despite its commercially reasonable efforts, the technology was not available within the time frame afforded. The board of county commissioners in the county in which a facility is located may adopt and enforce an ordinance or resolution to authorize the board to impose civil penalties of \$1,000 per day against a facility owner or operator if the board determines that the owner or operator has failed to comply with the act.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-144 Transportation network companies - contracts with school districts and schools - transportation of students - rules. Under Colorado law, the public utilities commission (PUC) regulates transportation network companies, which are commonly known as ridesharing companies, and the services they provide to ensure that the services are provided in a safe manner and that the drivers are financially responsible. Prior to the act, ridesharing companies were exempt from regulation if they provided services to a school, a school district, the federal government, a state, a political subdivision of a state, or a tax-exempt entity. The act removes this exemption.

The act also requires ridesharing companies that provide school-related services and are paid by a school or school district to:

- Enter into a contract that includes safety provisions for student transportation;
- Use a technology-enabled integrated solution that provides end-to-end visibility using the global positioning system for the transportation network company, the student's legal guardian, and the person that scheduled the ride;
- Ensure that each driver providing the service receives training in mandatory reporting requirements, safe driving practices, first aid and cardiopulmonary resuscitation, education on special considerations for transporting students with disabilities, emergency preparedness, and safe pick-up and drop-off procedures; and
- Not use a driver who has been convicted of or pled guilty or nolo contendere to certain offenses.

The PUC is required to coordinate with the department of education to promulgate rules implementing minimum safety standards for transportation network companies when providing services provided under a contract with a school or school district.

A ridesharing company must notify the commission, the school or school district, and the student's legal guardian of any safety or security incidents that involve providing services for students to or from a school, school-related activities, or school-sanctioned activities. The commission is directed to promulgate rules implementing this requirement. In addition, the rules must require a ridesharing company to report information related to driver background checks, insurance coverage, and data reporting, consistent with the type of service provided, as it relates to service for students.

The PUC must review and, if necessary, update the rules once every three years.

APPROVED by Governor May 27, 2022

EFFECTIVE May 27, 2022

H.B. 22-1013 Electric grid resilience grant program - microgrid resources for rural communities - grants for cooperative electric utilities and municipally owned utilities - report - appropriations. The act creates the microgrids for community resilience grant program (grant program) to be administered by the division of local government (division) in the department of local affairs (department), in collaboration with the Colorado resiliency office in the division and the Colorado energy office. A cooperative electric association or a municipally owned utility (utility) may apply to the division for a grant award to finance the purchase of microgrid resources in eligible rural communities within the utility's service territory that are at significant risk of experiencing severe weather or natural disaster events and in which one or more community anchor institutions, which institutions are important community, educational, health care, or other institutions, are located. The microgrids, which can be connected to or be disconnected from, and work independent of, the utility's electric grid, can increase an eligible rural community's ability to avoid or remediate interruptions to the electric grid, such as those caused by severe weather or natural disaster events.

On an annual basis commencing in 2023, the division is required to:

- Report on the progress of the grant program, including information on the number of grants awarded and the amount of money awarded for each grant;
- Submit copies of the report to the house of representatives energy and environment committee and the senate transportation and energy committee, or their successor committees; and
- Publish the report on the department's website.

For state fiscal year 2022-23, the bill appropriates from the general fund:

- \$3,500,000 to the department for use by the division for implementation of the grant program; and
- \$20,713 to the office of the governor for use by the Colorado energy office for grant program administration.

APPROVED by Governor June 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1018 Electric and gas service - limitations on service disconnection - service reconnection requirements - income eligibility for utility bill assistance. Section 1 of the act changes the date on which Energy Outreach Colorado disburses to the department of human services (department) a portion of the energy assistance system benefit charges that investor-owned electric and gas utilities collect from January 1, 2022, to March 1, 2023.

Section 2 requires the public utilities commission (commission) to adopt rules prohibiting electric and gas utilities from disconnecting a customer's service:

- On Fridays, Saturdays, or Sundays;
- On state or federal holidays;
- To the greatest extent practicable, after 11:59 a.m. on a Monday through Thursday that is not a holiday;
- During an emergency or safety event or circumstance, which includes a manmade or natural emergency or a severe weather event that is likely to affect travel, staffing, or work conditions.

Additionally, the commission's rules must require that, under certain circumstances in which a customer makes a request for reconnection of service on a Monday through Friday that is not a holiday, the utility is required to reconnect the customer's service that same day.

Section 3 establishes 3 income standards for determining a household's eligibility for utility assistance as follows:

- A household income at or below 200% of the federal poverty line;
- A household income at or below 80% of the area median income; or
- A household income that meets the income eligibility criteria that the department sets by rule.

Section 3 also clarifies that the commission may approve a year-round utility preference or advantage given to income-eligible customers.

APPROVED by Governor April 21, 2022

EFFECTIVE April 21, 2022

H.B. 22-1104 Outdoor recreation - powerline trails. The act:

- Allows transmission providers to enter into contracts with public entities or private landowners to construct and maintain public recreational trails (powerline trails) covering a tract of land where transmission lines are or will be constructed (transmission corridor);
- Requires a public entity to coordinate with the division of parks and wildlife in the design and construction of a powerline trail to minimize adverse impacts to state and federally listed species and species and habitats of conservation concern;
- Requires a public entity to consider any issues unique to an area of significant rural character prior to constructing a powerline trail in the area;
- Requires transmission providers to develop and maintain informational resources to encourage the construction of new powerline trails;
- Requires a transmission provider, when siting or expanding a transmission

line, to notify local governments of the potential for a powerline trail in the associated transmission corridor;

- Requires a transmission provider, when applying for a permit with a local government to develop in an area of state interest, to demonstrate compliance with the requirement to notify local governments of the potential for a powerline trail and to develop and maintain informational resources encouraging construction of new powerline trails;
- Requires the public utilities commission to amend its rules to also require electric public utilities in the state to consider plans for the construction of new powerline trails and with the requirement to develop and maintain informational resources on powerline trails;
- Requires the Colorado electric transmission authority (CETA) to arrange for the continuation of any existing powerline trail contracts before entering into a project or divesting a facility; and
- Requires the CETA to give priority for project solicitations to electric utilities and other entities that demonstrate an interest in continuing or creating a powerline trail.

APPROVED by Governor April 13, 2022

EFFECTIVE April 13, 2022

H.B. 22-1249 Electric grid resilience and reliability roadmap - use of microgrids - recommendations regarding critical facilities, high-risk communities, and legislative and administrative changes - publication and presentation of roadmap - appropriation. The act requires the Colorado energy office (office), in collaboration with the department of local affairs (department) and the Colorado resiliency office (resiliency office), to develop a grid resilience and reliability roadmap (roadmap) for improving the resilience and reliability of electric grids in the state (grid), which roadmap must include guidance on how microgrids may be used to harden the grid, improve grid resilience and reliability, deliver electricity where extending distribution infrastructure may not be practicable, and operate autonomously and independent of the grid, when necessary. In developing the roadmap, the office, department, and resiliency office are required to engage interested persons throughout the state in stakeholder meetings and consider stakeholder input. The roadmap may identify:

- The potential benefits of developing microgrids, including whether and how developing microgrids improves grid resilience and reliability;
- The critical facilities and infrastructure and the high-risk communities that should be prioritized for microgrid projects (projects); and
- Recommendations regarding potential legislative or administrative changes needed to help facilitate projects, including needed statutory or rule changes, key factors to consider regarding the safety, development, maintenance, and deployment of microgrids, metrics for evaluating the costs and benefits of microgrids, financial and technical support for microgrid deployment, and education and outreach programs, including apprenticeship programs.

The office is required to post a draft of the roadmap on its website on or before July 1, 2024, and the office and department are required to post the completed roadmap on their websites. The office is also required to submit a copy of the roadmap to the public utilities commission (commission), and, on or before March 1, 2025, in collaboration with the department, present the roadmap to the legislative committees of reference with jurisdiction over energy matters. On a periodic basis at least every 5 years, the office, department, and resiliency office are required to review the roadmap and, if necessary, update it. If the

roadmap is updated, it must be posted on the office's and department's websites and submitted to the commission and the legislative committees of reference with jurisdiction over energy matters.

For the 2022-23 state fiscal year, \$22,470 is appropriated from the general fund to the office of the governor for use by the Colorado energy office to develop the roadmap.

APPROVED by Governor June 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1306 Broadband deployment board - grant applications - money awarded under federal American Rescue Plan Act of 2021 - appeals process. In 2021, the general assembly authorized the broadband deployment board (board) to award money that the state received under the federal "American Rescue Plan Act of 2021" (federal act) for broadband deployment projects. The act updates the requirements for awarding grant money pursuant to the federal act to require that applications comply with finalized federal regulations regarding use of money under the federal act. The act also:

- Reduces the notice and comment period for an interested party to review and comment on a grant application from at least 60 days to 45 days;
- Exempts a grantee from the requirement to complete an approved project in 2 years or less if the grantee demonstrates to the board that the project is delayed due to a relevant disruption in the supply chain;
- Requires the board to apply the updated requirements to previously denied applications that sought grant awards under the federal act; and
- Establishes a process and remedies for appeals of a board decision regarding a grant application.

APPROVED by Governor June 2, 2022

EFFECTIVE June 2, 2022

H.B. 22-1314 Towing carriers - nonconsensual tows from private property - appropriation. Colorado law requires a towing carrier (carrier) to notify law enforcement, within 30 minutes after towing an abandoned vehicle, of the carrier's name and the storage location and description of the vehicle. The act clarifies that the carrier is deemed to have complied if:

- The carrier gave the location of the storage facility to law enforcement when obtaining authorization for the tow; or
- The carrier made 2 or more attempts within the 30 minutes after the tow to notify a law enforcement agency but was unsuccessful for reasons beyond the control of the carrier.

When a carrier tows a vehicle without the owner's or lienholder's consent, current law requires the carrier to notify the department of revenue (department), the owner, and the lienholder of the tow between 2 and 10 days after the tow, thus imposing a 2-day waiting period before notification. The act repeals this waiting period and instead requires notice within 10 days after the tow and caps at \$75 the amount the carrier may charge for sending this notice; however, the act encourages carriers to wait 24 hours after a tow to notify the

owner and lienholder of the tow. Except for the first 24 hours, daily storage fees are forbidden until the carrier has sent the required notice to the owner and lienholder.

A carrier's mechanic's lien does not attach to a vehicle for 30 days after notice was sent to the owner or lienholder of the vehicle if the carrier tows a vehicle from private property without the owner's, operator's, or lienholder's consent. If the owner or lienholder fails to retrieve the towed vehicle for 30 days, Colorado law authorizes the carrier to sell the vehicle to recover the carrier's fees. The act requires the carrier to set the sale price at the time of sale, list the fair market price at the time of sale, and report the sale price to the department within 5 business days after the sale. The law also requires the vehicle to be appraised by an independent third-party. Before the act, the balance of the money from the vehicle sale, after the carrier and law enforcement were reimbursed, was sent to the department to pay any taxes or fees. The act repeals this requirement and replaces it with a requirement that the carrier give the money to the lienholder or owner, depending on any lien. If the money is never claimed, it is sent to the unclaimed property program.

The amount of the fee that a carrier must pay to have a carrier's permit is changed from \$150 to being set by the public utilities commission (PUC), and approved by the executive director of the department of regulatory agencies, to cover the cost of regulating carriers. The PUC is authorized to deny an application for a carrier permit or to refuse to renew a carrier permit when a carrier has been convicted of a towing-related offense. The PUC may deny an application or refuse to renew a permit of a towing carrier based on a determination that there is good cause to believe the issuance of or renewal of the permit is not in the public interest.

The act requires that carriers that are towing a vehicle from private property without the owner's, operator's, or lienholder's consent must:

- Display at their place of business and on any website the current maximum rates permitted by rule of the PUC for each tow service provided by the towing carrier, and the sign must include information about how to make a complaint to the PUC;
- Accept cash and major credit cards, as defined by rule of the PUC, and, upon request, disclose the accepted forms of payment;
- Not charge storage fees for a day on which the carrier did not store the vehicle;
- Before connecting to a vehicle, photographically document the vehicle's condition and the reason for the tow. Failure to produce documentation of the vehicle's condition or the reason for the tow creates a rebuttable presumption that any damages to the vehicle were caused by the carrier or that the tow was not authorized.
- Maintain an area at each storage facility with lighting adequate to inspect a vehicle for damage;
- Upon demand of the owner within 30 days after providing the owner notice that the vehicle has been towed, retrieve the contents of the towed vehicle or allow the owner to retrieve the vehicle or the contents;
- Upon the owner paying 15 percent of the fees or \$60, whichever is less, and signing a form acknowledging the remainder of the debt, retrieve the towed vehicle or the contents of the towed vehicle or allow the owner to retrieve the vehicle or the contents;
- Obtain authorization from the property owner, leaseholder, or common interest community within 24 hours before towing a vehicle from private

- property;
- With certain exceptions, give 24 hours' written notice before removing a vehicle from a parking spot or the common areas of a condominium, cooperative, apartment, or mobile home park;
- Post adequate signs that a vehicle may be towed if parked inappropriately;
- Upon request, provide evidence of the carrier's insurance coverages;
- Have a sign at storage facilities that states the name, telephone number, and hours of operation of the carrier's business;
- Upon request, provide an itemized bill showing each charge and the rate for each fee that the person has incurred;
- Give written notice of the ability to make a complaint to the PUC;
- For a carrier to perform a nonconsensual tow, other than for an abandoned motor vehicle, from private property normally used for parking, the property owner or carrier must have provided adequate signs communicating the parking regulations that subject a vehicle to being towed; and
- Unless ordered by a peace officer, not tow a vehicle from private property because the rear license plate shows the vehicle registration is expired.

If a carrier fails to comply with the provisions of the act, the carrier may not charge or retain any fees or charges for the services performed with respect to the vehicle and must return any fees it collected with respect to the vehicle. It is an affirmative defense in any action to collect towing fees that the carrier failed to comply with these provisions. If a carrier damages a vehicle or violates these provisions in a manner that causes damages and refuses to reimburse the owner, operator, or lienholder, the owner or lienholder may recover attorney fees.

Carriers are required to record certain information about each nonconsensual tow, retain the information in their records for 3 years, and produce the records within 48 hours upon request.

A carrier is prohibited from paying money or other valuable consideration to a landowner or business for the privilege of nonconsensually towing vehicles.

It is a deceptive trade practice to violate the provisions of the act, and the attorney general is responsible for enforcement.

Upon making a finding that a towing practice harms the public interest, the PUC may promulgate rules to stop or change the practice.

The act appropriates \$109,475 to the department of regulatory agencies for use by the PUC for implementation of this act and reappropriates \$5,733 of the money to the department of personnel for vehicle replacement lease and purchase services.

APPROVED by Governor June 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

REVENUE - ACTIVITIES REGULATION

S.B. 22-120 Regulation of kratom - feasibility report to general assembly - prohibitions on the sale and distribution of kratom products - creation of a civil infraction for distribution or sale of kratom products to minors. On or before January 4, 2023, the act requires the executive director of the department of revenue to submit a report to the general assembly that analyzes the feasibility of regulating kratom products, kratom processors, and kratom retailers.

Effective July 1, 2024, the act prohibits a person from:

- Knowingly preparing, distributing, advertising, selling, or offering to sell a kratom product that is adulterated with fentanyl or any other controlled substance;
- Selling a kratom product that does not have a label that sets forth the identity and address of the manufacturer and the full list of ingredients in the kratom product;
- Knowingly preparing, distributing, advertising, selling, or offering to sell a kratom product to a person under 21 years of age; or
- Displaying or storing a kratom product in a retail location in a manner that would allow the product to be accessed by individuals under 21 years of age.

The act creates a civil infraction for:

- Giving, selling, distributing, dispensing, or offering to sell a kratom product to individuals under 21 years of age; or
- Failing to request a government-issued photographic identification that establishes that an individual is over 21 years of age prior to giving, selling, distributing, dispensing, or offering to sell a kratom product to the individual.

A person who commits either civil infraction is subject to a fine of \$200.

APPROVED by Governor May 26, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-155 Medical marijuana research grant program - extension. The act extends the medical marijuana research grant program in the department of public health and environment through fiscal year 2023-24.

APPROVED by Governor June 9, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-178 Cultivation facility licensees - transfer and redesignation - appropriation. The act allows a medical marijuana cultivation facility to transfer medical marijuana, physically or virtually via the seed-to-sale tracking system, to a retail marijuana cultivation facility with at least one of the same owners, and the retail marijuana cultivation facility to receive the

marijuana and change the designation of the marijuana from medical to retail.

The act clarifies that the retail marijuana cultivation facility is required to pay any retail marijuana excise tax on the transferred marijuana.

The act appropriates \$228,510 to the department of revenue from the marijuana cash fund for use by the marijuana enforcement division.

APPROVED by Governor May 26, 2022

EFFECTIVE July 1, 2022

S.B. 22-216 Limited gaming - extended limited gaming - tax revenues - reallocation - state historical society strategic initiatives - cash fund - creation. The act modifies the manner in which limited gaming tax revenues are allocated between the limited gaming fund and the extended limited gaming fund (i.e., the portion of limited gaming tax revenues derived from increased hours of operation, expanded wagering, and additional games of chance) in order to more equitably address recovery in the years immediately following a significant decrease in the revenue by:

- Adjusting the allocation for the state fiscal year 2021-22 to accommodate the significant unanticipated post-pandemic increase in the limited gaming tax revenues; and
- Establishing a mechanism to temporarily modify the allocation in years following a significant decrease in the limited gaming tax revenues.

The act modifies the distribution of the state share of the limited gaming tax revenues (state share) by:

- Resetting the base portion of the state share deposited in the local government limited gaming impact fund for the fiscal year 2021-22 to clarify the amount after a 2-year hiatus of this allocation;
- Providing total supplemental payments of \$1.25 million to the local government limited gaming recipients; and
- Transferring \$3 million to the newly created state historical society strategic initiatives fund, which is to be used by the state historical society for programs and activities that strengthen the state historical society's financial position and expand its impact on the people of the state.

A working group is created to determine if there is data available to identify the extended limited gaming tax revenues and, if such data is available, to collect the data and compare it with the current allocation required by law. The working group is required to prepare a written report of its findings and submit the report to the joint budget committee no later than November 1, 2022.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

S.B. 22-223 Motor vehicle dealers - used motor vehicle dealers - principle place of business - deliveries. Colorado law requires a new motor vehicle dealer or a used motor vehicle dealer to maintain a principal place of business and sets minimum standards for the principal place of business. The act clarifies that the following acts are not a violation of this requirement:

- Delivering a motor vehicle to a customer for a test drive away from the dealer's principal place of business;
- Delivering documents for a customer to sign away from the dealer's principal place of business;
- Delivering documents to, or obtaining documents from, a customer away from the dealer's principal place of business; or
- Delivering a motor vehicle to a customer away from the dealer's principal place of business.

APPROVED by Governor June 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1017 Alcohol beverages - excise tax exemption. Current law provides an excise tax exemption for up to one gallon, or 4 liters, of alcohol beverages brought by air passengers into the state from a foreign country. The act expands the exemption to all individuals entering the state from another state or a foreign country and allows alcohol beverages to be brought into the state, for personal use and not for sale, up to the following amounts:

- 2.25 gallons of malt liquor and hard cider;
- 9 liters of vinous liquor; and
- 6 liters of spirituous liquor.

APPROVED by Governor March 24, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1037 Marijuana - medical and retail marijuana business - authorization to operate in same location. The act allows a person to operate a licensed medical marijuana business and a licensed retail marijuana business at the same location if permitted by the local licensing authority and the local jurisdiction where the businesses are located and subject to requirements regarding separation of operations.

APPROVED by Governor April 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1093 Bingo and raffles law - updates to accommodate the use of improved electronic aids and devices - appropriation. The act defines a "bingo strip card game" as a type of bingo that is played with a strip of up to 5 connected paper bingo cards, with each card containing a concealed grid of preprinted numbers ranging from one to 75. The winner is the first player to match the numbers drawn on one or more bingo balls to the prearranged pattern of numbers on a card. The maximum prize for an individual card may not exceed \$1,000.

The act also updates certain language concerning bingo and pull tab games and

prohibits a licensee from possessing, using, selling, offering for sale, or putting into play any equipment unless it conforms to law and was purchased or leased by the licensee from a licensed bingo-raffle manufacturer or supplier or from a licensed agent of a bingo-raffle manufacturer or supplier.

Current law states that the licensing authority may establish by rule the maximum number of bingo cards that a bingo player who plays using the aid of an electronic device is permitted to use with the aid of such a device per game; except that the maximum number must be at least 54. The act changes this limit to 100.

Current law requires all money collected or received from the sale of admission, extra regular cards, special game cards, sale of supplies, and all other receipts from the games of bingo, raffles, and pull tab games to be deposited in a special checking or savings account, or both, of the licensee, which must contain only this money. The act updates this language to include money collected or received from the sale of bingo strip cards.

For the 2022-23 state fiscal year, the act appropriates \$47,471 from the department of state cash fund to the department of state (department) to be used as follows:

- \$17,271 for use by the business and licensing division for personal services;
- \$6,200 for use by the business and licensing division for operating expenses; and
- \$24,000 for use by the information technology division for personal services.

APPROVED by Governor June 3, 2022

EFFECTIVE April 1, 2023

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1135 Marijuana transporter license - transfer license with change of ownership. Under current law, a marijuana transporter license cannot be transferred with a change of ownership. The act removes this prohibition.

APPROVED by Governor March 24, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1222 Marijuana responsible vendor designation - employee designation portability - mitigation protection. Under current law, a licensed medical or retail marijuana business may receive a responsible vendor designation (designation) if all of its employees successfully complete an approved course. If the business is subject to a licensing action, the designation can be considered a mitigating factor in the licensing action. The act allows an individual to receive a designation and provides the same licensing mitigation protection to that individual in a licensing action. The act clarifies how a business receives and maintains a designation and allows a person with a designation to take that designation with them to a new employer.

APPROVED by Governor April 21, 2022

EFFECTIVE January 1, 2023

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

H.B. 22-1402 Measures to promote responsible gaming - responsible gaming grant program created - rules - cash fund created - reporting - repeal subject to sunset review - exclusion of certain individuals from participation in gaming - advertising and promotional efforts - funding sources - determination of free bets deduction used for calculating net sports betting proceeds - appropriations. The act creates the responsible gaming grant program (grant program) in the department of revenue to promote responsible gaming and address problem gaming in the state. The Colorado limited gaming control commission (gaming commission), in collaboration with the behavioral health administration, is required to administer the grant program and award grants to eligible applicants from money in the responsible gaming grant program cash fund (cash fund), which is also created in the act. An "eligible applicant" means an agency of the state government, a local government, or, with certain exceptions, a nonprofit organization.

To receive a grant, an eligible applicant must submit an application that includes the following information:

- The amount of grant money requested by the eligible applicant;
- How the eligible applicant will spend the grant money to address problem gaming or increase awareness of responsible gaming;
- Information concerning any current or past projects in which the eligible applicant has participated and that addressed responsible gaming or problem gaming; and
- Any other information required by rules promulgated by the gaming commission.

Grantees may use grant money only for the purposes for which the grant money is awarded. On or before September 1, 2023, and on or before September 1 each year thereafter, each grantee must submit a report to the gaming commission concerning the use of grant money. On or before December 1, 2023, and on or before December 1 each year thereafter, the gaming commission must submit a summarized report to the legislative committees of reference and to the behavioral health administration.

The gaming commission, in collaboration with the behavioral health administration, is required to promulgate rules to implement the grant program.

The grant program is repealed, effective September 1, 2032. Before the repeal, the grant program is scheduled for a sunset review by the department of regulatory agencies.

The act also requires the division of gaming (gaming division), on and after January 1, 2023, to operate a program to exclude certain individuals from all or certain gaming activities in the state. The gaming division must operate the exclusion program in accordance with rules promulgated by the gaming commission.

The act also requires retail gaming licensees, sports betting operators, and internet sports betting operators (licensees) to annually submit a report to the director of the gaming division, which report describes the efforts of the licensee in the preceding state fiscal year to promote responsible gaming via advertising and other promotional methods and the licensee's plans concerning such promotional efforts in the current state fiscal year.

The act also requires that on December 31, 2023, and on December 31 each year thereafter, any money credited to the wagering revenue recipients hold-harmless fund and not distributed within 2 years after being credited to the hold-harmless fund be transferred, as authorized by the gaming commission, to the cash fund.

The act also requires that, for the 2022-23 state fiscal year and each state fiscal year thereafter, \$2.5 million be transferred from the state share of the limited gaming fund to the cash fund.

The act also requires the general assembly, for the 2022-23 state fiscal year, and for each state fiscal year thereafter, to appropriate \$200,000 from the lottery fund to the state lottery division (division) to be expended by the division to pay for efforts to promote responsible gaming in the state.

The act also limits the total amount of free bets that may be deducted on and after January 1, 2023, for the purpose of calculating the net sports betting proceeds of a sports betting operator or internet sports betting operator.

Under current law, the Colorado lottery commission is required to promulgate rules that include the method for selling tickets or shares and the method to be used for selling instant scratch game tickets. The act removes a requirement that such rules must require all such sales to be on a cash-only basis.

The act also removes existing language concerning individuals who are required by the gaming commission to be excluded or ejected from any licensed gaming establishment, which language is rendered redundant by the act's new exclusion language.

For the 2022-23 state fiscal year, the act appropriates:

- \$200,000 from the lottery fund to the department of revenue for use by the lottery division; and
- \$2,500,000 from the cash fund to the department of revenue for use by the specialized business group.

APPROVED by Governor June 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1412 Division of gaming - continuation under sunset law - measures to address unlicensed gaming activities - minimum age of casino employees - sports betting winnings subject to child support intercept law. The act implements the recommendations of the department of regulatory agencies in its sunset review and report on the division of gaming (division) in the department of revenue. Specifically, the act:

- Continues the division for 11 years, until 2033;
- Allows the Colorado limited gaming control commission (commission) to delegate licensing duties to the division;
- Lowers the minimum age for a casino employee from 21 years of age to 18 years of age;
- Designates the department of revenue's hearings division to conduct hearings

- under the "Fantasy Contests Act";
- Repeals the requirement that internationally based internet sports betting personnel submit to a fingerprint-based criminal history record check; and
- Subjects payments of sports bet winnings to the "Gambling Payment Intercept Act" on and after July 1, 2023.

The act also empowers the commission to determine whether persons that are not licensed by the commission to conduct sports betting or limited gaming operations are offering to one or more members of the public, in any city, town, city and county, or county:

- Unlicensed sports betting operations;
- Unlicensed internet sports betting operations; or
- Unlicensed establishments that allow the use of equipment or devices that qualify as slot machines or are used to play roulette or craps.

The act also prohibits a person from offering sports betting or one or more games, authorized as "limited gaming", to the public without possessing the required license from the commission to conduct:

- Sports betting operations;
- Internet sports betting operations; or
- Operations using equipment or devices that qualify as slot machines or are used to play roulette or craps.

The act also adjusts the elements of the existing offense of underage gaming and resets the penalties for the offense as follows:

- For a first offense, a civil penalty of \$500;
- For a second offense, a civil penalty of \$1,000; and
- For a third or subsequent offense, a class 2 misdemeanor.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

H.B. 22-1415 Alcohol beverage regulation - on-premises retail licensees - repeal registered manager requirement. The act amends the "Colorado Liquor Code" to eliminate the requirement that a hotel and restaurant, tavern, and lodging and entertainment licensee register a manager with the liquor enforcement division in the department of revenue. The licensees are required to notify and pay a fee to the state and local licensing authority if the licensee changes its manager.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

STATUTES

S.B. 22-22 Enactment of Colorado Revised Statutes 2021. The act enacts the softbound volumes of the Colorado Revised Statutes 2021 as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

APPROVED by Governor March 3, 2022

EFFECTIVE March 3, 2022

S.B. 22-212 2022 Revisor's Bill. To improve the clarity and certainty of the statutes, the act amends, repeals, and reconstructs various statutory provisions of law that are obsolete, imperfect, or inoperative. The specific reasons for each amendment or repeal are set forth in the appendix to the act. The amendments made by the act are not intended to change the meaning or intent of the statutes, as amended.

APPROVED by Governor June 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

TAXATION

S.B. 22-6 Tax remittance - temporary vendor fee reduction for retailers with \$100 or less in total taxable sales - authority of executive director of the department of revenue to deduct processing costs for electronic filing of returns. The act permits a retailer with total taxable sales in the amount of \$100,000 or less for any filing period to retain 5.3% of the sales tax reported as compensation for the retailer's expenses incurred in collecting and remitting the tax (vendor fee) for sales made in 2023, rather than retaining a 4% vendor fee, which is what current law allows. The act also clarifies that the calculation of the amount that is credited to the housing development grant fund is only based on the changes to the vendor fee from House Bill 19-1245, and not on any subsequent modifications, including the changes made in the act. The act allows the executive director of the department of revenue to deduct processing costs from the electronic payment of taxes and fees in lieu of imposing a convenience fee.

APPROVED by Governor May 16, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-26 Oil and gas operator - property tax assessment notification - appeal procedures. Current law requires a county property tax assessor to send a notice of valuation of personal property to the operator of each wellsite, or if there is no operator, to the owner who has filed a statutorily required statement with the assessor.

The act:

- States that oil and gas fractional interest owners are not entitled to separate valuation, notification, review, audit, protest, abatement, or appeal procedures by the assessor; and
- Designates the operator of each wellsite, or if there is no operator, the owner who filed the statement, as the representative of all fractional interest owners and as the exclusive point of contact for the assessor for all notification, review, audit, protest, abatement, and appeal procedures.

APPROVED by Governor March 30, 2022

EFFECTIVE March 30, 2022

S.B. 22-32 Local sales and use taxes - streamlining of imposition, collection, and administration - appropriation. In order to enable the streamlining of the imposition, collection, and administration of sales and use taxes imposed by local taxing jurisdictions on retail sales made by retailers that have a state standard retail license and either do not have physical presence within a local taxing jurisdiction or have only incidental physical presence within a local taxing jurisdiction through the streamlining of application requirements for and elimination of fees for local general business licenses, the act requires the department of revenue (department) to require sufficient information to be collected from such a retailer, when the retailer applies for or renews a state standard retail business license through the state's electronic sales and use tax simplification system (SUTS) or by other means or at any other time to the extent necessary, and made available to local taxing jurisdictions to ensure that concerns of local taxing jurisdictions, including but not limited to concerns relating to administrative efficiency, retailer compliance, and collection of sales

and use tax revenue, are addressed. The department is required to consult with local taxing jurisdictions when determining what information to collect and how to make the information collected available to local taxing jurisdictions. The department is also required to consult with retailers and to address any reasonable concerns that they may have. The department is required to accomplish these tasks expeditiously so that no later than July 1, 2023, and sooner if feasible, a retailer that has a state standard retail license and either does not have physical presence within a local taxing jurisdiction or has only incidental physical presence can make retail sales within the local taxing jurisdiction without having to obtain a general business license from the local taxing jurisdiction.

On and after July 1, 2022, a local taxing jurisdiction is prohibited from charging a fee for a local general business license to a retailer that has a state standard retail license, makes retail sales within the local taxing jurisdiction, and either does not have physical presence within the local taxing jurisdiction or has only incidental physical presence within the local taxing jurisdiction. On and after July 1, 2023, a local taxing jurisdiction is prohibited from requiring such a retailer to apply separately to the local taxing jurisdiction for a general business license. A local taxing jurisdiction must automatically issue a general business license to such a retailer unless the local taxing jurisdiction has previously revoked a general business license held by the retailer for a violation of its local code.

For the 2022-23 state fiscal year, \$2,100 is appropriated to the department for use by the taxation services division to implement the act.

APPROVED by Governor April 21, 2022

EFFECTIVE April 21, 2022

S.B. 22-51 Tax policies to reduce emissions from built environment - income tax credit for purchase of heat pump systems, heat pump water heaters, and energy storage systems - sales and use tax exemption for eligible decarbonizing building materials, heat pump systems, heat pump water heaters, and energy storage systems - investor-owned gas utilities - measurement of use for billing purposes. For income tax years beginning on or after January 1, 2023, but before January 1, 2025, any purchaser of an air-source heat pump system, ground-source heat pump system, water-source heat pump system, or variable refrigerant flow heat pump system (heat pump system) or a heat pump water heater that installs a residential or commercial heat pump system or a residential or commercial heat pump water heater into real property in the state is allowed an income tax credit in an amount equal to 10% of the purchase price of the heat pump system or heat pump water heater.

For income tax years beginning on or after January 1, 2023, but before January 1, 2025, any purchaser of an energy storage system that installs the energy storage system in a residential dwelling in the state is allowed an income tax credit in an amount equal to 10% of the purchase price of the energy storage system.

For the heat pump system and heat pump water heater income tax credit and for the energy storage system income tax credit, the purchaser may assign the income tax credit to the seller of the heat pump system, heat pump water heater, or energy storage system (seller) at the time of purchase. If the purchaser assigns the credit, the seller must compensate the purchaser for the full nominal value of the tax credit. The act specifies the requirements of the purchaser, seller, and the department of revenue in connection with the assignment of either income tax credit.

Beginning July 1, 2024, all sales, storage, and use of eligible decarbonizing building

materials are exempt from state sales and use tax. "Eligible decarbonizing building materials" are building materials that have a maximum acceptable global warming potential as determined by the office of the state architect (office) and that are on a list of eligible materials maintained by the office. Manufacturers may submit the environmental product declaration of an eligible material to the office for the office's review. The office is required to compile a list of eligible materials and the manufacturers of those materials based on the information voluntarily submitted to the office by the manufacturers.

Beginning January 1, 2023, all sales, storage, and use of heat pump systems or heat pump water heaters that are used in commercial or residential buildings are exempt from state sales and use tax. To be eligible for the sales and use tax exemption under certain circumstances, the purchaser of the heat pump system or heat pump water heater is required to certify that all necessary mechanical, plumbing, and electrical work performed in connection with the installation of the heat pump system or heat pump water heater will be performed by a certified contractor on a certified contractor list created pursuant to current law or by employees of a utility, subject to state licensing requirements and all applicable state and local rules, codes, and standards.

Beginning January 1, 2023, all sales, storage, and use of energy storage systems that are used in a residential dwelling are exempt from state sales and use tax.

A statutory town, city, or county may exempt the same items that are exempt from state sales and use tax pursuant to the act only by express inclusion of the exemption in its initial sales tax ordinance or resolution or by amendment thereto.

After January 1, 2023, an investor-owned gas utility may apply to the public utilities commission for approval to measure the amount of use for billing purposes in either fuel commodity units or for energy services provided. The public utilities commission is required to approve, deny, or modify the utility's application.

APPROVED by Governor June 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-124 Income tax - state and local tax deductions - pass-through entities - election to pay at entity level. The "SALT Parity Act" was enacted in 2021 and, for income tax years commencing on or after January 1, 2022, it allowed pass-through entities to elect to pay state income tax at the entity level, which allows the entity to claim an unlimited deduction at the federal level for state and local taxes paid. While this election reduces federal taxable income for the pass-through entity, it does not reduce or increase Colorado taxable income under current law based on additions and subtractions (deductions) to the state income tax.

The act converts the state income tax deductions created to keep state revenue neutrality into a tax credit and makes provisions of the "SALT Parity Act" retroactive to January 1, 2018. An S corporation or a partnership must make the retroactive election on or after September 1, 2023, but before July 1, 2024, in a composite amended tax return for all of the years for which the election is made that is filed on behalf of the S corporation or partnership and the electing pass-through entity owners.

APPROVED by Governor May 16, 2022

EFFECTIVE May 16, 2022

S.B. 22-166 Income tax - tax check-off - Colorado nongame conservation and wildlife voluntary contribution - extension. The voluntary contribution to the Colorado nongame conservation and wildlife restoration cash fund that was authorized to appear on the state income tax return from January 1, 2017, to January 1, 2022, was scheduled to be repealed on January 1, 2023. The act extends the voluntary contribution indefinitely.

APPROVED by Governor June 1, 2022

EFFECTIVE June 1, 2022

S.B. 22-208 Property encumbered by a conservation easement - determination of value when condemned. The act specifies that if property encumbered by a conservation easement in gross is condemned through an eminent domain proceeding, and, as a result of the condemnation, the condemning authority is acquiring such property free and clear of the conservation easement interest or subordinating the deed of conservation easement to such acquired property interest, just compensation must be determined based on the value of the property as if unencumbered by the conservation easement in gross. The compensation must be allocated between the fee owner and the holder of the conservation easement based upon the value of their respective interests in the property.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

S.B. 22-220 Property tax - deferral program - administration - state treasurer - exception to repayment for natural causes - permissible foreclosure for delinquency. Currently, there is a property tax deferral program (program) for the state to make a secured loan to a qualified taxpayer to pay property taxes owed for the taxpayer's homestead. The act shifts the administrative responsibilities for the program from county treasurers to the state treasurer. This includes requiring:

- A taxpayer to file a claim for deferral with the state treasurer;
- The state treasurer to supply the deferral forms;
- The state treasurer to issue the certificate of tax deferral and record the certificate with the appropriate county clerk and recorder free of charge;
- The county treasurer to refund any overpayment on an account that has been deferred to the person who paid the taxes;
- A taxpayer to tender repayment of the loan to the state treasurer; and
- The state treasurer to send a deferral notice to taxpayers who have previously deferred property taxes, which notice has been updated to reflect the state treasurer's administrative role. The state treasurer cannot be held personally liable for failure to provide notices relating to property in the program.

In addition, the state treasurer is permitted to:

- Conduct a public education campaign about the program;
- Contract with a third party to administer the program on behalf of the state treasurer; and
- Promulgate rules for the administration of the program.

The act also creates an exception to the requirement that a loan becomes payable for a taxpayer when a property is no longer the taxpayer's homestead or when the taxpayer's equity in the property is less than the amount of the deferral and accrued interest on the

deferral if the property becomes uninhabitable and loses its value as a result of natural causes, and it permits the state treasurer to foreclose a deferred tax lien once taxes and accrued interest become delinquent, instead of requiring the foreclosure.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

S.B. 22-222 Initiated measure - fiscal summary - ballot title - individual income tax rate table. The act is a referred measure that will, if approved by the voters of the state at the 2022 general election, require the director of research of the legislative council of the general assembly to include a table in the fiscal summary for any initiated measure that would either increase or decrease the individual income tax rate. The table must have 4 columns as follows:

- A column identifying 8 income categories;
- A column identifying the current average income tax owed by taxpayers in each income category;
- A column identifying the average income tax owed by taxpayers in each income category if the initiated measure were to pass; and
- A column identifying the difference between the average income tax owed by taxpayers in each income category if the initiated measure were to pass and if the initiated measure were not to pass.

The ballot title for a measure that either increases or decreases the individual income tax rate must also include the table created by the director of research of the legislative council of the general assembly for the measure's fiscal summary.

Referred Measure, November 2022

S.B. 22-238 Property tax - nonresidential property - residential property other than multi-family residential real property - multi-family residential real property - property tax refunds. For the 2023 property tax year:

- Section 1 of the act reduces the valuation for assessment of nonresidential property, excluding agricultural and renewable energy production nonresidential property, from 29% of the actual value of the property to 27.9% of the actual value of the property;
- Section 2 reduces the valuation for assessment of residential property, including multi-family residential property, to 6.765% of the actual value of the property; and
- Sections 1 and 3 reduce the actual value used for purposes of the valuation for assessment of commercial real property by \$30,000 and of residential real property by \$15,000, but in either case to no less than \$1,000.

For the 2024 property tax year:

- Section 1 continues the valuation for assessment of real and personal property that is classified as agricultural property or renewable energy production property at 26.4% of the actual value of the property;
- Section 2 establishes the valuation for assessment for all residential real property other than multi-family residential real property as the percentage of

- the actual value of such property determined by a calculation made by the property tax administrator as required by section 4; and

 - Section 2 also establishes the valuation for assessment for multi-family residential real property as 6.8% of the actual value of the property.

Section 4 requires the adjustment of the ratio of valuation for assessment for all residential real property other than multi-family residential real property for the 2024 property tax year so that the aggregate decrease in local government property tax revenue during the 2023 and 2024 property tax years, as a result of the act, equals \$700 million.

Section 5 requires the state treasurer to reimburse counties for the reduction in property tax revenue resulting from the act during the 2023 property tax year and requires the property tax administrator, using information provided by each county treasurer, to report this amount to the general assembly. The state treasurer is required to fully reimburse any county that:

- Had an increase of less than 10% in assessed value of real property between the 2022 and 2023 property tax years; and
- Has a population of 300,000 or fewer.

The state treasurer is also required to reimburse a county 90% of the amount of the reduction if the county:

- Had an increase of 10% or more in assessed value of real property between the 2022 and 2023 property tax years; and
- Has a population of 300,000 or fewer.

Lastly, the state treasurer is also required to reimburse any county that does not qualify for full or 90% reimbursement 65% of the amount of the reduction excluding the aggregate decrease in local government property tax revenue during the 2023 and 2024 property tax years, as a result of the act for municipalities, fire districts, health services districts, water districts, sanitation districts, school districts, and library districts in those counties. If municipalities, fire districts, health services districts, water districts, sanitation districts, and library districts in those counties had an increase of less than 10 % in assessed value of real property between the 2022 and 2023 property tax years, the state treasurer is required to reimburse the entire amount of the aggregate decrease in local government property tax revenue for those local governmental entities during the 2023 property tax years, as a result of the act. If municipalities, fire districts, health services districts, water districts sanitation districts, and library districts in those counties had an increase of 10% or more in assessed value of real property between the 2022 and 2023 property tax years, the state treasurer is required to reimburse 90% of the aggregate decrease in local government property tax revenue for those local governmental entities during the 2023 property tax years, as a result of the act. County treasurers must then distribute these reimbursements to the local governmental entities, excluding school districts, within the treasurer's county as if the revenue had been regularly paid as property tax. The lesser of \$240 million of reimbursement or the amount of reimbursement that can be paid from such excess state revenues must be paid as a refund of state fiscal year 2022-23 excess state revenues that are not being refunded through specified existing refund mechanisms, and the rest of the reimbursement must be paid from the general fund.

For school districts, section 6 requires the state treasurer to transfer \$200 million from the general fund to the state public school fund to offset school district property tax revenue reductions.

Section 5 also requires the property tax administrator to prepare a report that identifies the aggregate reduction in local government property tax revenue during the 2023 property tax year resulting from the act.

APPROVED by Governor May 16, 2022

EFFECTIVE May 16, 2022

H.B. 22-1005 Income tax - modification of credit for health-care preceptors working in health professional shortage areas. Under existing law, for tax years commencing on or after January 1, 2017, but prior to January 1, 2023, the credit for health-care preceptors working in health professional shortage areas offers an income tax credit in the amount of \$1,000 to health-care professionals in rural and frontier areas who provide a preceptorship, an uncompensated mentoring experience for eligible health professional students that includes a specified minimum amount of personalized instruction, training, and supervision, during the applicable income tax year.

The act modifies the tax credit by:

- Extending the period for which the tax credit may be claimed to tax years commencing prior to January 1, 2033;
- Allowing up to 300, rather than 200, preceptors to claim the credit in any tax year;
- Expanding who may offer a preceptorship to include, in addition to a medical doctor, doctor of osteopathic medicine, advanced practice nurse, physician assistant, doctor of dental surgery, or doctor of dental medicine as provided by existing law, a registered nurse, registered dental hygienist, pharmacist, licensed clinical or counseling psychologist, licensed clinical social worker, licensed professional counselor, licensed marriage and family therapist, psychiatric nurse specialist, licensed addiction counselor, or certified addiction counselor working in an outpatient clinical setting who has been licensed in his or her primary health-care field in the state by the applicable licensing authority;
- Expanding who may participate in a preceptorship to include individuals matriculating at any accredited Colorado institution of higher education seeking a degree or certification in a primary health-care field;
- Allowing nonconsecutive days to be counted when determining the eligibility of a preceptorship for the credit;
- Modifying the definitions of "rural areas", "preceptorship", and "primary health-care" for purposes of the tax credit;
- Modifying the certification requirements for taxpayers who claim the tax credit; and
- Providing a tax preference performance statement for the tax credit.

APPROVED by Governor June 1, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1006 Property tax - exemption for property used as integral part of a child care center - property used solely and exclusively for charitable purposes - ownership. The act repeals the requirements that property must be owned for strictly charitable purposes and not

for private gain or corporate profit and that the property must be irrevocably dedicated to a charitable purpose in order for the property to qualify for the property tax exemption for property used as an integral part of a child care center. These changes allow property that is used by a tenant or subtenant to operate a child care center to be eligible for the exemption, and the act specifies that in such case, only the operator's use is to be considered for purposes of determining whether the property is eligible for the exemption. An operator of an eligible facility, or the operator's authorized agent, is required to sign the exemption application form and to provide the property tax administrator with any requested information related to the exemption.

APPROVED by Governor June 1, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1010 Income tax - early childhood educator - professional credential - refundable tax credit. For 4 income tax years beginning in 2022, the act creates a refundable income tax credit for an early childhood educator who:

- Has an adjusted gross income that is less than or equal to \$75,000 for an individual filing a single return or \$150,000 for an individual filing a joint return;
- Holds an early childhood professional credential for at least part of the income tax year; and
- For at least 6 months of the income tax year, is either the licensee or employee of an "eligible program", as defined by the act.

The amount of the credit is dependent on the eligible early childhood educator's credentialing level, with higher levels receiving a larger credit, and is annually adjusted for inflation.

The department of human services, or a successor department, is required to annually provide the department of revenue with an electronic report of each individual who held an early childhood professional credential during the previous calendar year for which the credit is allowed.

APPROVED by Governor June 3, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1016 Income tax - tax check-off - Feeding Colorado voluntary contribution. The act creates the Feeding Colorado fund (fund) in the state treasury. A voluntary contribution designation line for the fund will appear on the state individual income tax return form (form) for the 5 income tax years following the year that the executive director of the department of revenue (department) certifies to the revisor of statutes that there is space available on the form and that the fund is next in the queue.

Once the fund is placed on the form, the department is directed to determine annually the total amount contributed to the fund and report that amount to the state treasurer and the

general assembly. The state treasurer is required to credit that amount to the fund, and the general assembly appropriates from the fund to the department the costs of administering money designated for the fund. After that amount is deducted, the money remaining in the fund at the end of a fiscal year is transferred to Feeding Colorado.

Following the statutory 2-year grace period for new tax check-offs, the fund is required to achieve the minimum contribution amount of \$50,000 per year to remain on the form.

The fund is repealed on the sixth income tax year following the year in which the director files the certification, unless it is continued by the general assembly before then.

APPROVED by Governor April 21, 2022

EFFECTIVE April 21, 2022

H.B. 22-1024 Sales and use tax - extension of exemption from tax on sales of construction and building materials used in public school construction to home rule cities - appropriation. Under current law, all sales of construction and building materials to contractors and subcontractors for use in the building, erection, alteration, or repair of structures, highways, roads, streets, and other public works are exempt from the sales and use tax levied by the state and certain local governments. Home rule cities continue to levy the tax on sales of construction and building materials within their jurisdiction. The act extends the exemption to the sales and use tax levied by home rule cities on such materials for use in connection with the building, erection, alteration, or repair of a public school.

For the 2022-23 state fiscal year, the act appropriates \$3,375 from the general fund to the department of revenue for use by the taxation business group. The department may use this appropriation for operating expenses related to taxation services.

APPROVED by Governor April 18, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1025 Insurance premium tax - income tax - sales and use tax - infrequently used tax expenditures - chaplain salary - rental allowance designation - repeal. The act repeals the following tax expenditures:

- The exemption from the insurance premium tax for educational and scientific institution life insurance;
- The alternative minimum income tax based on annual gross receipts from sales in or into the state;
- The income tax credit for investment in technologies for recycling plastics;
- The income tax credit for crop or livestock contributions to a charitable organization;
- The income tax deduction for income or gain for a C corporation that was taxed prior to 1965, to the extent it is included in current taxable income;
- Income tax credits for qualifying investments; and
- The sales and use tax exemption for the transfer of complimentary promotional materials to an out-of-state vendee.

The act also repeals the requirement that a specific amount of a state-employed chaplain's salary must be designated as a rental allowance, thereby making it exempt from federal income tax.

APPROVED by Governor May 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1026 Expenses incurred by employers in providing alternative transportation options to Colorado employees - refundable income tax credit. The act replaces an existing income tax deduction for expenses incurred by employers when providing alternative transportation options to employees with a refundable income tax credit of 50% of such expenses for such employers, including local government employers, subject to the limitations that the maximum amount spent in any income tax year for which an employer may claim a credit is \$250,000 and that the maximum amount spent in any income tax year for any one employee for which an employer may claim a credit is \$2,000 dollars.

For purposes of the act, alternative transportation options means free or partially subsidized, generally accepted transportation demand management strategies, including but not limited to ridesharing arrangements, provision of ridesharing vans or low-speed conveyances such as human-powered or electric bicycles, shared micromobility options such as bikesharing and electric scooter sharing programs, carsharing programs, and guaranteed ride home programs. The credit is allowed for income tax years beginning on or after January 1, 2023, but before January 1, 2025.

\$93,758 is appropriated from the general fund to the department of revenue for implementation of the act.

APPROVED by Governor June 7, 2022

EFFECTIVE January 1, 2023

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1027 Sales and use tax - destination sourcing - small retailers exception - extension. State sales tax is currently calculated based on the buyer's address when the taxable product or service is delivered to a consumer, and this is known as destination sourcing. There is an exception that allows small retailers with less than \$100,000 of retail sales to source their sales to the business' location regardless of where a purchaser receives the tangible personal property or service. The act extends the repeal of this exception from February 1, 2022, until October 1, 2022.

APPROVED by Governor January 31, 2022

EFFECTIVE January 31, 2022

H.B. 22-1039 Sales and use tax - simplification of exemption forms. For some, but not all, exemptions from state and state-collected local sales and use taxes, a person who wishes to establish the right to obtain an exemption is either explicitly required by state law or required by the department of revenue (department) as it administers and enforces state law to complete a form created by the department, which, depending on which exemption is sought,

may be described as an affidavit, application, certificate, certification, declaration, or statement. The act requires the department to examine its forms and requirements relating to their use and, to the extent feasible without impairing the proper administration of the exemptions, simplify the forms and related requirements for persons making tax-exempt purchases. Exceptions to existing statutory requirements relating to the forms are made for any simplifications made by the department.

APPROVED by Governor March 30, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1051 Housing and finance authority - income tax credits. The Colorado housing and finance authority (CHFA), under the Colorado affordable tax credit program, may allocate income tax credits in an annual aggregate amount of up to \$10 million for the years beginning on January 1, 2020, and ending on December 31, 2024. The bill extends this period to December 31, 2031.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

H.B. 22-1055 Sales and use tax - exemption for period products and incontinence products and diapers. The act creates a state sales and use tax exemption commencing January 1, 2023, for all sales, storage, use, and consumption of incontinence products and diapers and period products. The act further provides that counties and municipalities may choose to adopt either or both exemptions by express inclusion in their sales and use tax ordinance or resolution.

APPROVED by Governor June 3, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1083 Income tax - creation of Colorado homeless contribution tax credit - repeal of enterprise zone tax credit for contributions to promote temporary, emergency, or transitional housing programs for the homeless. The act repeals an existing income tax credit available to taxpayers who make contributions to enterprise zone administrators to promote temporary, emergency, or transitional housing programs for persons experiencing homelessness (repealed credit) and replaces the repealed credit with a credit that is available in the entire state (new credit). Instead of having enterprise zone administrators and the office of economic development administer the new credit, as was how the old credit was administered, the act places that responsibility on the division of housing in the department of local affairs. A taxpayer may claim the new credit when permissible contributions are made not only to an approved project, but also to an approved nonprofit organization providing certain qualifying activities.

The amount of the new credit remains the same as the amount of the repealed credit for each contribution; except that, for contributions made in an underserved, rural county, the amount is 30% rather than 25% and is capped at \$750,000 in contributions per income tax year for the nonprofit organization, and, if the nonprofit organization also administers

one or more approved projects, is capped at an additional \$750,000 per income tax year. The new credit's availability is limited to 4 years, and, as was the case for the repealed credit, any credit in excess of a taxpayer's liability for the income tax year for which the credit is claimed may be carried forward for up to 5 years.

APPROVED by Governor May 31, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1117 Marketing and promotion tax - county lodging tax - expansion of uses - voter approval. The act expands the allowable uses of the revenue from a local marketing district's marketing and promotion tax and a county's lodging tax to include:

- Housing and childcare for the tourism-related workforce, including seasonal workers, and for other workers in the community;
- Facilitating and enhancing visitor experiences; and
- Capital expenditures related to these new purposes.

A local marketing district or county must obtain voter approval to use the tax revenue for the new allowable uses.

APPROVED by Governor March 31, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1118 Sales and use tax - refund claims - civil penalty. Under the act, if a purchaser files a sales and use tax refund claim between July 1, 2022, and July 1, 2026, interest will accrue on the refund from the date that the purchaser files the claim, so long as the refund is paid more than 180 days from the date that the purchaser files the claim.

If a purchaser files a claim for a sales and use tax refund that is incomplete, duplicative of another claim, or lacks a reasonable basis in law or fact, the act requires the executive director of the department of revenue (executive director) to assess and collect, in addition to other penalties provided by law, a civil penalty. The civil penalty is equal to 5% of the total refund claimed if the claim is materially incomplete and is equal to 10% of the total refund claimed if the claim is duplicative or lacking a reasonable basis in law or in fact.

Prior to assessing a civil penalty for a claim that the executive director deems materially incomplete, the executive director is required to provide notice to the purchaser or the preparer of the claim, specify what is missing, and state the conditions that will lead to the executive director assessing the civil penalty. If a sales and use tax refund claim on which the executive director assesses a civil penalty is prepared, in whole or in part, by a person other than the purchaser, the penalty is imposed on that other person. The executive director shall give the person against whom the civil penalty is assessed written notice, and that person may petition for a hearing and appeal the civil penalty. The executive director may waive the penalty if the person against whom the penalty is assessed establishes that a duplicate claim was not intentional and was either minimal or immaterial or demonstrates

other good cause for waiver.

APPROVED by Governor April 21, 2022

EFFECTIVE April 21, 2022

H.B. 22-1149 Income tax - advanced industry investment tax credit - extension - increase caps - allocation of tax credit by agreement of co-owners - appropriation. The act extends the advanced industry investment tax credit (credit) for an additional 4 years, increases the aggregate annual maximum amount of credits that may be allowed from \$750,000 to \$4 million, increases the credit from 30% to 35% of the amount of a qualified investment in rural or economically distressed areas, and increases the total amount of the credit for each qualified investment from \$50,000 to \$100,000.

Current law requires that individuals who are co-owners of a business claim only their pro rata share of the credit. The act allows the credit to be allocated among partners, shareholders, members, or other constituent qualified investors in any manner agreed to by such partners, shareholders, members, or other constituent qualified investors.

The act appropriates \$90,000 to the office of the governor for use by economic development programs for advanced industries.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

H.B. 22-1205 Income tax - qualifying senior - refundable tax credit. The act creates a refundable income tax credit (credit) that is available for the income tax year commencing on January 1, 2022, for a qualifying senior, which means a resident individual who:

- Is 65 years of age or older at the end of 2022;
- Has federal adjusted gross income (AGI) that is less than or equal to \$75,000; and
- Has not claimed a homestead property tax exemption for the 2022 property tax year.

The amount of the credit is \$1,000 for a qualifying senior with federal AGI that is \$25,000 or less. For every \$500 of AGI above \$25,000, the amount of the credit is reduced by \$10. In the case of 2 taxpayers who share the same primary residence and who may legally file a joint return but actually file separate returns, both taxpayers may claim the credit, but the maximum credit for each taxpayer is \$500 and, for every \$500 of adjusted gross income above \$25,000, the amount of the credit is reduced by \$5. Notwithstanding the income-based reductions in the allowable credit amount, a taxpayer who also qualifies for a property tax and rent assistance grant or heat assistance grant during calendar year 2022 is eligible to receive the full credit.

The property tax administrator is required to provide reports from counties related to taxpayers who are eligible for and actually claim the homestead property tax exemption.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1223 Property tax - mobile homes - exemption - taxes owed - publication of notice of sale - exception. The act creates a property tax exemption for mobile homes, which includes manufactured homes, that have an actual value of \$28,000 or less. The act also eliminates the requirement that a county treasurer publish a notice in a newspaper of a sale of a mobile home, which includes a manufactured home, due to property taxes owed if:

- A distraint warrant has been delivered to the owner of the mobile home or to his or her agent; and
- The county treasurer publishes a notice of the sale on the treasurer's website.

The act appropriates \$833,193 from the general fund for the state share of districts' total program funding to offset the reduction in property tax revenue to school districts as a result of the property tax exemption.

APPROVED by Governor June 2, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1296 Licensed nursing care facility - valuation and assessment as residential real property. Under current law, facilities that provide long-term nursing, rest, and assisted living services, where residents reside for more than 30 days, are classified as residential properties. However, facilities that provide short-term convalescent care and rehabilitation services, where patrons visit the facility periodically or temporarily reside there for less than 30 days, are valued and classified as nonresidential property.

The act defines a nursing home as a licensed nursing care facility, including a nursing care facility that provides convalescent care and rehabilitation services. The act specifies that land on which a nursing home is situated and any improvements affixed to that land for the use of the nursing home are classified and assessed as residential real property, regardless of a resident's length of stay.

APPROVED by Governor June 2, 2022

EFFECTIVE June 2, 2022

H.B. 22-1301 Property tax - controlled environment agricultural facility - value for assessment purposes - equipment in CEA facility exempt from property tax. The act defines a "controlled environment agricultural facility" (CEA facility) as a nonresidential structure and related equipment and appurtenances that combines engineering, horticultural science, and computer management techniques to optimize hydroponics, plant quality, and food production efficiency from the land's water for human or livestock consumption. The sole purpose of growing crops in a CEA facility is to obtain a monetary profit from the wholesale of plant-based food for human or livestock consumption.

Commencing January 1, 2023, for property tax purposes:

- The definition of "agricultural and livestock products" includes crops grown within a CEA facility in a raw or unprocessed state for human or livestock consumption excluding marijuana or any other nonfood crop agricultural products;
- The definition of "agricultural equipment" that is used on the farm or ranch

or in a CEA facility includes any personal property within a facility, whether attached to a building or not, that is capable of being removed from the facility, and is used in direct connection with the operation of a CEA facility, which facility is used solely for planting, growing, or harvesting crops in a raw or unprocessed state; and

- On and after January 1, 2023, but prior to January 2, 2028, agricultural equipment that is used in any CEA facility is exempt from the levy and collection of property tax.

Under section 3 of the act, a CEA facility is valued for assessment purposes as all other agricultural property using the cost, market, and income approaches to value. If the sole use of the CEA facility is not the growing of crops for human or livestock consumption, then the property is classified and valued for assessment purposes based on actual use.

Under section 3, as part of the personal declaration that the owner of a CEA facility signs and returns to the county assessor, the act requires the owner to include an affidavit executed by the owner in which the owner affirms that the CEA facility meets the requirements for such a facility as specified in the act. If the crop grown in the CEA facility is hemp, the owner must also include a copy of a license to verify to the assessor that the crop is not marijuana. Section 3 is repealed, effective July 1, 2029.

APPROVED by Governor May 20, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1310 Qualified state tuition programs - qualified distributions - apprenticeship program expenses. The federal "Setting Every Community Up for Retirement Enhancement Act of 2019" expanded qualified distributions from a qualified state tuition program (529 account) to include expenses for fees, books, supplies, and equipment required for the participation of a designated beneficiary in certain apprenticeship programs.

In light of these changes to federal law, the act amends Colorado law to clarify what qualifies as a qualified distribution from a 529 account for the purpose of determining state taxable income. The act allows expenses for fees, books, supplies, and equipment required for the participation of a designated beneficiary in certain apprenticeship programs to be treated as such a qualified distribution.

APPROVED by Governor June 3, 2022

EFFECTIVE January 1, 2023

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1311 Gasoline and special fuel tax - statutory revision commission - correction of defects. The act corrects defects in the definitions of "bulk transfer and terminal system" and "gasoline", which defects resulted from legislation enacted in 2021.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

H.B. 22-1312 Sales and use tax - correction of statutory defects and anachronisms. Sections 1, 2, 3, and 4 of the act correct incorrect cross references to sales tax filing and remittance requirements for direct pay permit holders in local sales tax statutes.

Section 5 corrects an incorrect cross reference in the definition of "auction sale", which is defined to include only the sale of tangible personal property, by replacing a cross reference to a supplemental definition of sale that includes "the transaction of furnishing rooms or accommodations" with a cross reference to the more general definition of "sale".

APPROVED by Governor May 20, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1320 Savings accounts for persons with intellectual and developmental disabilities - section 529A ABLÉ accounts - tax benefits - appropriation. The collegeinvest authority administers the achieving a better life experience (ABLE) savings program. Individuals who were declared disabled, as defined under federal law, before reaching 26 years of age are eligible to open an ABLE savings account. ABLE savings accounts under section 529A of the internal revenue code are modeled after section 529 college savings accounts, but, unlike those accounts, ABLE savings accounts may be used to save for many expenses related to an individual's disability without disqualifying the individual for certain federal benefits.

The act modifies the administration and operation of these accounts in 2 ways. First, the act allows a person other than the individual with a disability to open an ABLE savings account for the individual and to have signature authority over that account. Second, the act prohibits the state from filing a claim against the ABLE savings account upon the account owner's death for outstanding payments due for qualified disability expenses.

The act also modifies the tax benefits associated with an ABLE savings account for the 2023, 2024, and 2025 tax years. Under the act, a taxpayer may deduct from their federal taxable income for purposes of calculating their state taxable income certain contributions made to an ABLE savings account. Further, the act ensures that a taxpayer does not encounter tax recapture of any deductions claimed for these contributions when distributions are made from an ABLE savings account for qualified disability expenses.

\$44,517 is appropriated from the general fund to the department of revenue for the implementation of the act.

APPROVED by Governor May 26, 2022

EFFECTIVE January 1, 2023

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1391 Severance tax - ad valorem credit against severance tax on oil and gas - working group - implementation plan. The act changes the calculation of the ad valorem credit allowed against the state severance tax on oil and gas. In tax years beginning on and

after January 1, 2025, the credit is calculated on a per-well basis for wells that are not exempt from taxation and is equal to 76.56% of the gross income of the well multiplied by the mill levy fixed in the prior calendar year.

A working group consisting of the director of the office of state planning and budgeting and the executive directors of the departments of revenue, natural resources, education, and local affairs, or their designees, is required to develop an implementation plan for making additional changes to the state severance tax on oil and gas. The implementation plan must make recommendations concerning the steps necessary to change the legal incidence of tax from interest owners to operators while maintaining revenue neutrality, require electronic filing of returns for severance taxes, and require additional electronic data collection to the tax. The plan must also include a quantitative fiscal analysis of the change in the calculation of the credit for ad valorem taxes and the change in the legal incidence of the tax and how they can be implemented while maintaining revenue neutrality. The group must submit the implementation plan to the joint budget committee by January 15, 2024.

APPROVED by Governor June 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1392 Tax credit for environmental remediation of contaminated land - property tax exemption for qualified housing projects. Under current law, an affordable housing developer in Colorado can qualify for state property tax exemptions for 15 years and federal income tax credits for 30 years. The act allows affordable housing projects to receive the Colorado state property tax exemptions for an extended period of 15 years to match the period available under federal law.

Under current law, the tax credit for environmental remediation of contaminated land (commonly referred to as the Brownfield credit) allows taxpayers to claim income tax credits for voluntary cleanup of contaminated land, known as brownfield, located in Colorado. Taxpayers can claim a transferable credit equivalent to 40% of the first \$750,000 spent on remediation and 30% of the next \$750,000 spent, for a maximum credit of \$525,000 on remediation costs of \$1.5 million or more. In addition, a "qualified entity", which is a county, municipality, or private nonprofit entity, is allowed an essentially identical transferable expense amount for expenses incurred in performing approved environmental remediation that can be transferred to a taxpayer as an income tax credit. The Colorado department of public health and environment (CDPHE) is authorized to certify a total of \$3 million in both tax credits for each income tax year. The act:

- Extends the tax credit, which is set to expire on January 1, 2023, to January 1, 2025, for an additional 2 years;
- Increases the annual total cap on tax credits from \$3 million to \$5 million for calendar year 2022 and after;
- Expands the definition of "qualified entity" to include school districts, charter schools, special districts, institutions of higher education, and other quasi-governmental entities;
- Allows a taxpayer whose credit is tied to remediation of a site in a rural community to claim a credit equivalent to 50% of the first \$750,000 spent on remediation and 40% of the next \$750,000 spent;

- Eliminates some restrictions that taxpayers have on the transferability of credits, including a restriction that requires any transfer to occur within the first 2 years of receiving the tax credit and the requirement that the transferee certify that the taxpayer satisfied statutory requirements; and
- Requires a taxpayer and a transferee of a tax credit or transferable expense amount to jointly file a copy of the transfer agreement with CDPHE, specifies that such filing perfects the transfer, and clarifies that the transferee and the department of revenue can rely upon the certification by CDPHE of the ownership and the amount of the tax credit as being accurate.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

H.B. 22-1406 Sales tax - temporary deduction from state net taxable sales for qualifying retailers. The act renews for July 2022, August 2022, and September 2022, after a 10-month hiatus, a temporary deduction from state net taxable sales for qualifying retailers in the alcoholic beverages drinking places industry, the catering industry, the food service contractors industry, the mobile food services industry, the restaurant and other eating places industry and for retailers operating a hotel-operated restaurant, bar, or catering service in the state. The temporary deduction from state taxable sales for qualifying retailers is equal to the lesser of state net taxable sales or \$70,000 for each month for which a deduction is allowed.

APPROVED by Governor June 3, 2022

EFFECTIVE June 3, 2022

H.B. 22-1416 Property tax - property tax materials - notice of valuation - protest of property valuation - board of assessment appeals - appropriation. The property tax administrator is required by law, after consultation with the advisory committee to the property tax administrator and subject to the approval of the state board of equalization, to prepare and publish manuals, appraisal procedures, instructions, and guidelines (property tax materials) concerning the administration of property tax. Beginning January 1, 2023, section 1 of the act requires the administrator to conduct a public hearing on a proposed change to the property tax materials before submitting the proposed change to the advisory committee to the property tax administrator. The administrator must publish notice of the hearing and mail notice to those people who so request. At the hearing, interested persons may submit information and the administrator is required to consider any submissions. Any interested person may also file a written petition to the administrator for the issuance, amendment, or repeal of any property tax materials.

Currently, a taxpayer who wishes to protest the valuation of their taxable real property must file a notice of their objection and protest with the assessor by June 1. Sections 3 and 4 extend this deadline to June 8. Section 4 also requires an assessor who discovers any error that impacts the valuation of a class or subclass of property to recommend to the county board of equalization an adjustment to the class or subclass of property to correct the error.

Section 5 requires the state board of assessment appeals to advance an appeal concerning the valuation of rent-producing commercial real property on the board of assessment appeals' calendar when the taxpayer provides certain relevant information and requests an advancement on or before July 15 of the same calendar year. The board of assessment appeals may charge a fee to a taxpayer, if the board of assessment appeals advances the taxpayer's appeal.

Section 6 places a 5% cap on the amount by which a valuation of property set by a county board of equalization can be increased on appeal.

\$2000 is appropriated from the general fund to the department of local affairs for use by the board of assessment appeals for implementation of the act.

APPROVED by Governor May 16, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1418 Income tax - enterprise zone tax credits - Colorado job growth incentive tax credit - extend carry-forward for expiring credits for taxpayers in strategic industries impacted by COVID-19 pandemic - appropriation. The act allows a taxpayer who operates in a strategic industry disproportionately impacted by the COVID-19 pandemic and who experienced significant financial hardship due to the COVID-19 pandemic to apply to the economic development commission (commission) for a 5-year extension of the allowable carry-forward period for unused Colorado job growth incentive tax credits and unused enterprise zone tax credits that would otherwise expire between January 1, 2021, and December 31, 2025; except that the tax credit for contributions to enterprise zone administrators to implement economic development plans is not eligible for the 5-year carry-forward extension. The act requires the commission, in consultation with the office of economic development, to establish a process for accepting, reviewing, and approving one-time applications by taxpayers for the extended carry-forward period on a first come, first served, rolling basis subject to taxpayers meeting certain eligibility requirements, which, in the commission's discretion, may include additional economic development commitments to the state. The act caps the total amount of tax credits allowed to be carried forward in the extended period at zero dollars for the first 2 years in the 5-year period, \$10 million for the third year, and \$15 million per year for the fourth and fifth years.

\$18,412 is appropriated from the general fund for the 2022-23 state fiscal year to the office of the governor for use by economic development programs.

APPROVED by Governor June 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

TRANSPORTATION

S.B. 22-83 Department of transportation - authorizations for access to public rights-of-way for nongovernmental entities for broadband deployment - process. The act requires the department of transportation (CDOT) to develop an electronic application, permitting, contract, and fee structure to facilitate access by nongovernmental entities to public rights-of-way for the deployment of broadband and requires acceptances and denials of such access by CDOT to be provided in writing and made available to the public.

APPROVED by Governor April 7, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-141 Title 43 - technical corrections. The act makes the following nonsubstantive changes to title 43:

- Corrects the citation made in section 43-1-128 (5) from "the national environmental policy act" to "the federal 'National Environmental Policy Act of 1969', 42 U.S.C. sec. 4321 et seq.";
- Adds the word "vehicle" in section 43-4-605 (1)(i) between the words "motor" and "registration"; and
- Corrects a reference in section 43-4-1301 (2)(c) stating "subsections (7) and (8) of this section" to say "section 43-4-1303".

APPROVED by Governor April 7, 2022

EFFECTIVE April 7, 2022

S.B. 22-151 Colorado department of transportation - safe road crossing projects - Colorado wildlife safe passages cash fund. The act creates the Colorado wildlife safe passages fund (fund) within the state treasury and transfers \$5,000,000 from the general fund to the fund. Money in the fund is continuously appropriated to the department of transportation (department) to provide funding for projects that provide safe road crossings for connectivity of wildlife and reduce wildlife-vehicle collisions, for the full range of wildlife crossing project needs, and for matching requirements for federal grant programs relating to wildlife crossing projects. The department must consult with the division of parks and wildlife and the Colorado wildlife and transportation alliance regarding the disbursement of money from the fund and must annually report on the disbursement of such money.

APPROVED by Governor June 1, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-176 Front range passenger rail corridor development - planning requirements and funding for transit-oriented development at the Burnham Yard rail property site. The act provides funding for early stage work required for front range passenger rail corridor development by:

- Requiring the state treasurer to transfer \$1,900,000 from the general fund to

the southwest chief rail line economic development, rural tourism, and infrastructure repair and maintenance fund (fund) on June 15, 2022. This will cause the transferred money to be paid to the front range passenger rail district (district) when the unencumbered balance of the fund is paid to the district, as required by current law as technically amended by the act, before the fund is repealed on July 1, 2022.

- Transferring \$6,500,000 from the general fund to the state highway fund on July 1, 2022, for the purpose of funding specified environmental assessment work required in connection with the development of the Burnham Yard rail property; and
- Transferring \$500,000 from the general fund to the unused state-owned real property fund on July 1, 2022.

The act also requires the executive director of the department of personnel to engage with governmental and affected community stakeholders to create a site plan to support transit-oriented development at the Burnham Yard rail property site and potential recommendations for how to suballocate parcels for various beneficial uses at the site. The executive director, in consultation with the governmental stakeholders, is also required to actively reach out to and listen to the opinions of affected community stakeholders and citizens regarding all stages of the development of the Burnham Yard rail property and identify any additional or already engaged stakeholders who may have an interest in developing the suballocated parcels for the best use. The site plan must consider various specified types of development opportunities and uses for the site, must promote the development and operation of quality public private partnership opportunities, must include a well-defined framework to facilitate collaboration between public and private entities in infrastructure development and operation, and must enable investment of public and private capital.

APPROVED by Governor June 7, 2022

EFFECTIVE June 7, 2022

NOTE: Specified sections are contingent on Senate Bill 22-130 becoming law. Senate Bill 22-130 was signed by the governor on May 26, 2022.

S.B. 22-180 Transit use - ozone season transit grant program - state-run transit services expansion - revitalizing main streets program - rules for commercial driver's licenses - appropriations. The act creates the ozone season transit grant program (program) in the Colorado energy office (office). The program provides grants to the regional transportation district (RTD) and transit associations in order to provide free transit services for at least 30 days during ozone season. A transit association receiving a grant may use the money to make grants to eligible transit agencies. The eligible transit agencies may use the money to provide at least 30 days of new or expanded free transit services during ozone season. The RTD may use grant money to cover up to 80% of the costs of providing free transit for at least 30 days on all services offered by the RTD during ozone season. Eligible transit agencies and the RTD can use the money to cover lost fare box revenues and to pay for other expenses necessary to implement the program, including expenses associated with an increase in ridership as a result of the program. The RTD and a transportation association receiving a grant are required to report to the office on the services offered and estimates of the change in ridership as a result of the program. The act transfers \$28 million from the general fund to a newly-created ozone season transit grant program fund, and the money is continuously appropriated to the office for the program.

The office is required to establish policies governing the program and to report to the

house and senate transportation committees by December 31 of each year of the program. The program is repealed, effective July 1, 2024.

The transit and rail division (division) in the department of transportation is required to create a 3-year pilot project to extend state-run transit services throughout the state with the goals of reducing ground level ozone, increasing ridership, and reducing vehicle miles traveled in the state. The act transfers \$30 million from the general fund to the state highway fund for the project. The division is required to annually report to the transportation legislation review committee on the pilot project. The pilot project is repealed, effective July 1, 2026.

The act transfers \$10 million dollars from the general fund to the state highway fund for use by the transportation development division for the revitalizing main streets program. In spending the money, the division is required to give priority to programs that improve air quality through increased use of transit.

The act amends statutes governing testing for commercial driver's licenses to allow a test to be conducted by a driving tester who is under contract with a testing unit or a statewide association working with transit agencies in addition to a driving tester who is employed by a testing unit. As soon as practicable after the effective date of the act, the rules promulgated by the department of revenue must include provisions allowing a testing unit that does not employ a driving tester to be licensed and conduct tests using a driving tester who is under contract with the testing unit or a statewide association working with transit agencies.

APPROVED by Governor May 26, 2022

EFFECTIVE May 26, 2022

H.B. 22-1046 Local highways - designation for over-snow use. The act authorizes a local government to designate all or a portion of a highway under its jurisdiction for over-snow use only when snow-packed conditions exist on the highway or for a designated continuous seasonal period for which the local government determines that snow-packed conditions are likely to exist on the highway. "Over-snow use" is defined as travel on top of snow by human-powered or animal-powered means or by an off-highway vehicle that is primarily designed or altered for use over snow and runs without tires on a continuous belt track or on one or more skis while in use over snow. A local government may limit an over-snow use designation to human-powered or animal-powered travel, or both, and the act does not prohibit a local authority from entering into a private winter maintenance agreement when wheeled winter access is requested along a highway.

APPROVED by Governor April 12, 2022

EFFECTIVE April 12, 2022

H.B. 22-1074 Traffic violations - Interstate 70 peak period shoulder lanes. With the exception of an authorized emergency vehicle or an authorized service vehicle, or in the case of an emergency, the act prohibits drivers of motor vehicles from driving on the Interstate 70 peak period shoulder lanes (PPSL) while the lanes are closed and prohibits drivers of motor vehicles with more than 2 axles or that are 25 feet long or longer from driving on the PPSL at any time. The high-performance transportation enterprise is authorized to assess civil penalties and enforce violations.

APPROVED by Governor March 15, 2022

EFFECTIVE August 1, 2022

H.B. 22-1338 Motor vehicle-related functions of department of revenue - modification of funding - appropriations. The act modifies the manner in which specified motor vehicle-related functions of the department of revenue (department) are funded by:

- Repealing annual statutory transfers from the marijuana tax cash fund to the licensing services cash fund for use by the hearings division and the division of motor vehicles in the department;
- Reducing the total amount appropriated to the hearing division and the division of motor vehicles that previously would have been funded with the marijuana tax cash fund transfers to the licensing services cash fund by 10%, and requiring such funding to be provided from "off the top" highways users tax fund (HUTF) appropriations rather than by licensing services cash fund appropriations through a statutory authorization for that use of "off the top" HUTF money and the following appropriations:
 - A decrease of \$713,000 in the 2022-23 long bill cash funds appropriation from the licensing services cash fund for personal services in the hearings division;
 - A decrease of \$548,000 in the 2022-23 long bill cash funds appropriation from the licensing services cash fund for Colorado driver's license, record, identification, and vehicle enterprise solution (DRIVES) maintenance and support in the division of motor vehicles; and
 - A 2022-23 state fiscal year "off the top" HUTF appropriation of \$1,261,000 to the department, which may use \$713,000 of the appropriation for personal services in the hearings division and \$548,000 of the appropriation for DRIVES maintenance and support in the division of motor vehicles.

APPROVED by Governor April 25, 2022

EFFECTIVE April 25, 2022

H.B. 22-1351 Road usage fees - delay of imposition - general fund transfers to state highway fund and highway users tax fund. Senate Bill 21-260, concerning the sustainability of the transportation system in Colorado:

- Created phased-in road usage fees on gasoline and diesel that increase from 2 cents per gallon for state fiscal year (FY) 2022-23, when they are first imposed, to 8 cents per gallon for FYs 2028-29 through 2031-32, and thereafter continue to increase to account for inflation; and
- Temporarily reduced the amount of the road safety surcharge, which is imposed annually when a motor vehicle is registered by \$11.10 for registration periods beginning in 2022 and \$5.55 for registration periods beginning in 2023.

The act delays the initial imposition of the road usage fees from July 1, 2022, to April 1, 2023, and increases the amount of the reduction in the road safety surcharge for registration periods beginning in 2023 from \$5.55 to \$11.10. The act also requires transfers to be made on July 1, 2022, to hold the department of transportation, counties, and municipalities harmless from the reductions in road usage fee and road safety surcharge revenue as follows:

- \$47.1 million from the general fund to the state highway fund; and
- \$31.4 million from the general fund to the highway users tax fund.

For implementation of the act, \$5,850 is appropriated from the general fund to the department of revenue for use by the division of motor vehicles.

APPROVED by Governor May 16, 2022

EFFECTIVE May 16, 2022

WATER AND IRRIGATION

S.B. 22-28 Groundwater compact compliance and sustainability fund - Rio Grande and Republican river basins - appropriation to the fund - 2024 transfer to water plan implementation account. The act creates the groundwater compact compliance and sustainability fund (fund) to help finance groundwater use reduction and sustainability efforts in the Rio Grande river basin and the Republican river basin, such as efforts to buy and retire irrigation wells and irrigated acreage in the river basins. The Colorado water conservation board (board) administers the fund and can make expenditures from the fund based on recommendations from the board of directors of the Rio Grande water conservation district or the Republican river water conservation district. A conservation district's recommendations must first be approved by the state engineer.

For the 2022-23 state fiscal year, \$60 million is appropriated from the economic recovery and relief cash fund to the fund and, on August 15, 2024, up to \$20 million of any unobligated money in the fund is transferred to the water plan implementation account, which account the board administers to finance efforts to help accomplish critical actions identified in the state water plan. The board and any recipient of money from the fund or the account must comply with the compliance, reporting, record-keeping, and program evaluation requirements that the office of state planning and budgeting and the state controller establish for use of money allocated to the state pursuant to the "American Rescue Plan Act of 2021".

APPROVED by Governor May 23, 2022

EFFECTIVE May 23, 2022

S.B. 22-30 Water resources review committee - expansion of scope of the committee - agriculture issues included. The act changes the name of the water resources review committee to the water resources and agriculture review committee (committee) and expands the scope of the committee to include agriculture issues.

APPROVED by Governor March 30, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-114 Fire suppression ponds - applications by counties - designations by state engineer - needs assessments - notice requirements - restrictions - powers of state engineer - petitions for reviews of designations - expiration of designation - presumption of no material injury to water rights - rebuttals - appropriation. The act allows a board of county commissioners (board), in consultation with its fire protection district or fire authority, to apply to the state engineer for the designation of a pond as a fire suppression pond. The director of the division of fire prevention and control (director) in the department of public safety is required to promulgate rules to establish criteria for boards, in consultation with fire protection districts or fire authorities, to use to identify and evaluate potential fire suppression ponds.

Before applying for the designation of a pond as a fire suppression pond, a board, in consultation with its fire protection district or fire authority, must identify ponds in areas where the outbreak of a fire could result in a major wildfire disaster and perform a needs assessment of each such pond. If a pond that is under consideration for designation as a fire suppression pond is located in whole or in part upon private property, a board must acquire

the voluntary written approval of each owner of private property that abuts the pond before the board applies to the state engineer for the designation of the pond as a fire suppression pond. For each pond that is identified and under consideration as a potential fire suppression pond, a board must provide notice of such fact to the state engineer.

The act prohibits the state engineer, with exceptions, from ordering any pond to be drained or backfilled:

- While the pond is under consideration for designation as a fire suppression pond;
- If the state engineer has designated the pond as a fire suppression pond; or
- On and after the effective date of the act, and until the date upon which the director promulgates rules.

The state engineer may not designate more than 30 total surface acres of pond in any county as a fire suppression pond or designate any pond as a fire suppression pond unless the pond satisfies certain requirements and the board that requested the designation provided notice of the request to interested parties included in the substitute water supply plan notification list established for the water division in which the pond is located. The state engineer may impose reasonable requirements on a board as a condition of designating a pond as a fire suppression pond, including requirements for measuring and recording devices. A board and its fire protection district or fire authority must inspect a designated fire suppression pond at least annually.

The designation of a pond as a fire suppression pond expires 15 years after the date of the designation. Before the expiration, the board and the fire protection district or fire authority may perform a needs assessment of the pond. If the needs assessment demonstrates that the pond is in compliance with criteria established in the director's rules, the board and fire protection district or fire authority shall notify the state engineer of such fact, and the state engineer shall redesignate the pond as a fire suppression pond. If the needs assessment demonstrates that the pond is not in compliance with the criteria, the board and fire protection district or fire authority must either:

- Notify the state engineer that the designation of the pond as a fire suppression pond should be rescinded or allowed to expire; or
- Provide to the state engineer a plan and a timeline for bringing the pond back into compliance with such criteria.

Within 70 days after the state engineer designates a pond as a fire suppression pond, a holder of a decreed water right may file with the water clerk of the water division in which the fire suppression pond is located a petition for review of the state engineer's decision. Upon receiving a petition, a water judge must conduct a review of the state engineer's decision. A water judge may nullify the state engineer's designation of a pond as a fire suppression pond if, after considering the entire record, including any evidence of material injury, the judge finds that:

- In applying for the designation, the board did not describe a pond that complies with criteria established by rules promulgated by the director; or
- The state engineer's decision did not accord with certain other requirements in the act concerning fire suppression ponds.

The act states that a fire suppression pond and the water associated with it:

- Are not considered a water right;
- Do not have a priority for the purpose of determining water rights; and
- May not be adjudicated as a water right.

The act states that a proposed fire suppression pond is presumed to not cause material injury to vested water rights. A holder of a decreed water right may rebut the presumption by providing evidence to the state engineer sufficient to show that material injury has occurred or will occur to the decreed water right.

The act appropriates, for the 2022-23 state fiscal year, \$19,428 from the general fund to the department of natural resources for use by the executive director's office, to be used as follows:

- \$11,828 to be reappropriated to the department of law for the provision of legal services; and
- \$7,600 to be reappropriated to the office of information technology for the provision of information technology services.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 22-195 Conservation district grant fund - continuation of fund - transfers. The act repeals the provision that repeals the conservation district grant fund (fund) on December 31, 2022. The act also requires, on an annual basis:

- The state treasurer to transfer \$148,000 from the general fund to the fund; and
- The department of agriculture to distribute \$2,000 from the fund to each conservation district.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1092 Irrigation districts - issuance of loans by irrigation districts to landowners for certain purposes. Sections 1 and 4 of the act allow a board of directors of an irrigation district (board) to borrow money, which the irrigation district may use to make loans to landowners to be used to make improvements to private water delivery systems or for other types of projects that improve:

- Water conservation or efficiencies on landowner property; or
- Landowner delivery or drainage systems.

An obligation or contract to borrow such money is exempt from the existing requirement that a contract purporting to bind the district to pay a certain sum must be ratified by a certain number of district voters. Additionally, the district cannot assess landowners to raise money to fund the loans.

In case of default in the payment of any loan installment, the county treasurer may

assess upon the eligible real property a tax lien for the payment of the whole of the unpaid installment but is prohibited from assessing a tax lien for the entire value of the landowner's portion of the irrigation loan issued by the water district.

Sections 2 and 5 require each irrigation district to include in its annual appropriation resolution:

- The amount needed to meet loan obligations;
- All amounts payable by landowners to the irrigation district in accordance with loans issued to the landowners; and
- The amount payable by each tract within the irrigation district for which a landowner has received a loan.

Sections 3 and 6 state that the county treasurer will receive \$5 per tract assessed for loans issued to landowners by an irrigation district, and this \$5 will be assessed against each participating tract.

APPROVED by Governor April 12, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1151 Colorado water conservation board - turf replacement programs - turf replacement fund - general fund transfer and appropriation. The act requires the Colorado water conservation board (board) to develop a statewide program to provide financial incentives for the voluntary replacement of irrigated turf with water-wise landscaping (turf replacement program). The act defines water-wise landscaping as a water- and plant-management practice that emphasizes using plants with lower water needs. Local governments, certain districts, Native American tribes, and nonprofit organizations with their own turf replacement programs may apply to the board for money to help finance their turf replacement programs. The board will contract with one or more third parties to administer one or more turf replacement programs in areas where local turf replacement programs do not exist.

The state treasurer is required to transfer \$2 million from the general fund to the turf replacement fund, which fund is created to finance the turf replacement program. The money is appropriated to the department of natural resources for use by the board to implement the turf replacement program, with \$11,400 of the money reappropriated to the office of the governor for use by the office of information technology to provide information technology services to the department of natural resources.

APPROVED by Governor June 8, 2022

EFFECTIVE August 10, 2022

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 22-1316 Colorado water conservation board construction fund - water plan implementation cash fund - project and loan authorizations - appropriations - transfers. The act appropriates the following amounts from the Colorado water conservation board (CWCB) construction fund to the CWCB or the division of water resources in the

department of natural resources for the following projects:

- Continuation of the satellite monitoring system, \$380,000;
- Continuation of the Colorado floodplain map modernization program, \$500,000;
- Continuation of the weather modification permitting program, \$350,000;
- Continuation of technical assistance for federal cost-share programs, \$300,000;
- Continuation of the Arkansas river decision support system, \$500,000;
- Continuation of the Colorado Mesonet project, \$150,000;
- Continuation of the water forecasting partnership project, \$450,000;
- Support of modeling and data analyses for the upper Colorado river commission's interstate planning and negotiation efforts, \$200,000;
- Performance of comprehensive dam safety evaluations for the reservoir enlargement assessment project, \$250,000;
- Support of the Platte river recovery implementation program, \$3,800,000; and
- Support of Republican river matters related to meeting compact compliance obligations, \$2,000,000.

The act appropriates \$8,200,000 from the water plan implementation cash fund to the CWCB for grant-making for projects that assist in implementing the state water plan.

The act directs the state treasurer to transfer the following amounts on July 1, 2022:

- Up to \$2,000,000 from the CWCB construction fund to the litigation fund; and
- \$1,000,000 from the CWCB construction fund to the water plan implementation cash fund.

The act authorizes the CWCB to make loans of up to \$13,130,000 from the CWCB construction fund to the town of Breckenridge to rehabilitate the Goose Pasture Tarn dam.

APPROVED by Governor May 23, 2022

EFFECTIVE May 23, 2022

H.B. 22-1379 Healthy forests and vibrant communities fund - wildfire mitigation capacity development fund - Colorado water conservation board construction fund - wildfire mitigation - watershed restoration and flood mitigation grants - water funding opportunities - federal funds - appropriation. The act requires the state treasurer to make the following transfers from the economic recovery and relief cash fund:

- \$3,000,000 to the healthy forests and vibrant communities fund for projects that will help communities address the urgent need to reduce wildfire risks by supporting implementation of risk mitigation treatments that focus on promoting watershed resilience;
- \$2,000,000 to the wildfire mitigation capacity development fund for wildfire mitigation and fuel reduction projects;
- \$10,000,000 to the Colorado water conservation board construction fund for watershed restoration and flood mitigation grants;
- \$2,500,000 to the Colorado water conservation board construction fund for the direct and indirect costs of providing assistance to political subdivisions and other entities applying for federal "Infrastructure Investment and Jobs

- Act" money and other federally available money related to water funding opportunities; and
● \$2,500,000 to the Colorado water conservation board construction fund for issuing grants to political subdivisions of the state for the hiring of temporary employees, contractors, or both that will assist those political subdivisions and other entities in applying for federal "Infrastructure Investment and Jobs Act" money and other federally available money related to natural resource management.

All of these transfers relate to essential government services and must comply with the relevant compliance, reporting, record-keeping, and program evaluation requirements established by the office of state planning and budgeting and the state controller.

\$15,000,000 is appropriated from the Colorado water conservation board construction fund to the department of natural resources for use by the Colorado water conservation board for watershed restoration and flood mitigation project grants.

APPROVED by Governor June 2, 2022

EFFECTIVE June 2, 2022

CONCURRENT RESOLUTIONS

H.C.R. 22-1003 Property tax exemption for homestead of veteran with a disability - authorization for surviving spouse to claim exemption. The Colorado constitution allows a qualifying senior or a veteran who has a service-connected disability rated as a 100% permanent disability to claim a property tax exemption for 50% of the first \$200,000 of actual value of the qualifying senior's or veteran's owner-occupied primary residence. The concurrent resolution extends eligibility for the exemption to the surviving spouse of a United States armed forces service member who died in the line of duty or veteran whose death resulted from a service-related injury or disease as determined by the United States department of veterans affairs, if the surviving spouse is a recipient of dependency indemnity compensation awarded by the United States department of veterans affairs pursuant to applicable federal law.

H.C.R. 22-1005 Twenty-third judicial district - designation of judges. Pursuant to House Bill 20-1026, effective January 7, 2025, the counties of Douglas, Elbert, and Lincoln will move from the eighteenth judicial district to a newly created twenty-third judicial district. Under the state constitution, district judges serve the term to which they were elected but may serve in another judicial district if the other district encompasses the county of the judge's residence. Under this measure, by November 30, 2024, the governor would designate judges serving in the eighteenth judicial district to serve the remainder of their terms in the twenty-third judicial district. All judges so designated shall establish residency in the twenty-third judicial district by January 7, 2025.

H.C.R. 22-1006 Charitable gaming license - minimum wage. The concurrent resolution amends section 2 of article XVIII of the Colorado constitution by:

- Repealing the 5-year continuous existence requirement to obtain a charitable gaming license; and
- Authorizing a manager or operator of a charitable game to make minimum wage until 2024, when the provision repeals the prohibition on paying managers or operators.

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